

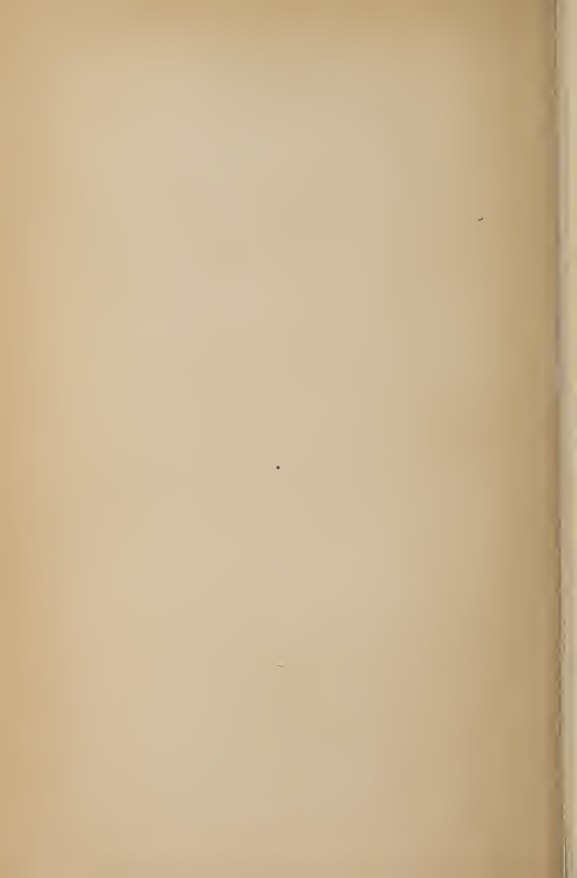


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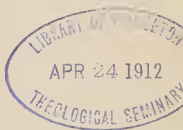
OR

ECCLESIASTICAL CONTINUITY

BY THE

REV. LUKE RIVINGTON, M.A.

MAGDALEN COLLEGE, OXFORD



LONDON: BURNS & OATES, LIMITED

1896

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INTRODUCTORY CHAPTER

§ 1. *The Thesis.*

THE thesis of this book may be put into the following syllogism :—

1. There can be no real continuity between two religious bodies, one of which has persistently held that the government of the Church was committed by our Lord to St. Peter and His successors, whilst the other maintains that “the Church of Rome hath no jurisdiction in this realm.”

2. (α) The Church of England as now by law established, maintains the latter position, and has maintained it since the middle of the sixteenth century ; whereas (β) the Church of England, from the days of St. Augustine of Canterbury onwards, held that the government of the Church lay with the Bishops of Rome as successors of St. Peter by Divine appointment.

3. Therefore the Church of England as now by law established, is not continuous or identical with the *Ecclesia Anglicana* or Church of England founded by St. Augustine or St. Gregory the Great. *That* Church of England must be looked for elsewhere ; it will be found only where the doctrine is held that St. Peter and

his successors, the Bishops of Rome, are regarded as the rulers of the Universal Church.

This book offers evidence in behalf of the second half of the minor premiss in the above syllogism (α, β)—namely, that the Church of England from the days of Augustine held the Pope to be the divinely appointed ruler of the Catholic Church.

This is the position which is strenuously opposed at this moment by the great mass of those who belong to the present Establishment. Everywhere they have set themselves to declare their "continuity" with the old Church of England. It is asserted that the Church in England was always in a state of sufficient antagonism to Rome to justify them in saying that the separation in the sixteenth century did not change any essential feature of her ecclesiastical government. It is said that when most she went hand in hand with Rome, or most subordinated her life to the rule of Rome, she did so, not because of any conviction that submission to Rome was a necessity of Catholic life, but because it suited her purpose on other grounds.

I have therefore set myself in this book to answer the question, What is the value of those instances which are adduced to prove the supposed independence of the Church of England in past times? If I have placed myself at a certain disadvantage in confining myself, for the most part, to such instances, instead of choosing my own ground and producing other positive evidence for my contention, I shall, at any rate, avoid the accusation of not fairly stating the opinion of my opponents. And I venture to think that sufficient evidence has been

produced, in dealing with these instances of the repudiation of Papal jurisdiction, as our Anglican friends deem them, to prove not only that the present titular Church of England is not a spiritual continuation of the old Church of England, but that the Roman Catholic body in England *is*.

It is not, however, my purpose to deny a certain kind of continuity between the present Establishment and the Anglican Church of the past. There is a kind of legal continuity; there is a sort of material continuity; there is a continuity of nomenclature. But this is not what is meant by the continuity of the *Church*, or, at any rate, of the Church in her deeper aspects. The Church is regarded in the following pages as the Kingdom of Heaven upon earth. Her life consists in her supernatural relations with her Creator. Unity of government, unity of faith, unity of sacraments, constitute her unity—not unity in name, or material privileges, or local habitation.

Now, in this work I do not touch on the unity of sacraments. It might easily be shown that the Church in England for a thousand years administered seven sacraments as the provision which our Lord made for her spiritual life, and that "Anglicanism" has mutilated the spiritual organism of the Church through having materially changed this Divine economy. But it is with the subject of government that I have dealt in particular in this work. That subject comes indeed under the head of faith; it was, as I hope I have shown, held to be a matter of faith that St. Peter and his successors were appointed the governors of the Universal Church; but it is with this matter of faith alone, and

not with the whole range of the Divine deposit, that I have dealt here.

And the question is not whether the old Church of England was right or wrong in believing that the See of Peter is the divinely appointed centre of unity; it is merely the question of fact, whether she did or did not so believe. It is, therefore, strictly a matter of history. Is it, or is it not, true that the Church of England—by which I do not mean the Parliament, but the accredited teaching body in England—held that doctrine concerning her relationship to Rome to be a part of the faith once delivered to the saints? That this was the doctrine of the Primitive Church I have shown elsewhere.¹ Here I have entered on no doctrinal disquisitions, but confined myself to the facts of history.

There is, however, a certain difficulty in meeting the arguments for "Continuity" advanced by our Anglican friends, arising from the differences amongst themselves as to the cogency of the various arguments in its favour. The late Lord Bowen is said to have suggested that the judges, when drawing up an address which began with the words, "Conscious as we are of our shortcomings," but which was felt to be beneath their dignity, should substitute, "Conscious as we are of one another's shortcomings." And it would be difficult for a committee of Anglican writers, judging from those works which I

¹ "The Primitive Church and the See of Peter," by the Rev. Luke Rivington, M.A. (Longmans, 1894). The reader is referred for an answer to the criticisms of Canon Bright on this book to a little work called "Replies" (price 1s., Burns & Oates).

have personally perused, to refrain from expressing some consciousness of their considerable differences of opinion on these historical questions. No book has had such an enormous circulation as Mr. Nye's "Popular History of the Church of England"; and yet it would be unfair to saddle a writer of Bishop Creighton's calibre with some of the extraordinary statements made by Mr. Nye. Mr. Lane, again, has numerous statements which are contradicted by Dr. Stubbs, whilst Dr. Bright has successfully refuted Bishop Lightfoot on an important point connected with this question of "continuity."¹ Dr. Cutts, in his series of "Public School Text-books of Religious Instruction," makes a point of the imaginary fact that Lanfranc would not go to Rome for the pall;² whilst Mr. Hunt, in his work on "The English Church in the Middle Ages," (rightly) speaks of Lanfranc's journey to Rome for that symbol of authority.³ On the other hand, this writer disagrees (p. 19) with Dr. Bright as to Wilfrid's appeal to Rome. Dr. Child, on "Continuity," disagrees with all of these.

But last year a paper was read at the Norwich Church Congress by Dr. Creighton, Bishop of Peterborough, which met with such general and emphatic approval, both at the Congress itself (according to all reports), and afterwards in such representative papers as the *Guardian*, the *Church Times*, and the *Record*, that it may be safely

¹ *Cf. infra*, p. 3.

² History of the Church of England, p. 74.

³ "The English Church," &c., p. 79 ("Epochs of Church History"). There is no doubt about Lanfranc's journey to Rome. *Cf.* Florence of Worcester, *sub anno* 1071, and *Vita Lanfranci*, cap. xi. Paris, 1648.

assumed to represent the general trend of opinion in the Church of England. According to the programme of the Congress, that paper dealt with the "Continuity of the Church of England in the Middle Ages"—*i.e.* the continuity between the body so called then and that which has the same title now. The advantage of selecting that paper for my purpose seemed twofold: first, it touches on what, according to the admission of Anglicans and ourselves, are the salient points of the controversy; secondly, its writer is one whose record is such as to command attention for whatever he writes on such a subject. He has had the honour of filling a professorship of history at the sister University to his own; he has been the editor of the *English Historical Review*; he is the author of a "History of the Papacy," conspicuous for its courtesy of tone; he is generally supposed to have been selected for the high office which he now holds, in part at least for his historical writings; he is at this moment president of a society called the Church Historical Society, recently called into existence for the express purpose of defending the Church of England on historical grounds; and, lastly, he has lately been selected to represent the Anglican Episcopate at the coronation of the Tsar, having been described in the letter of recommendation sent by the Archbishop of Canterbury to the Metropolitan of St. Petersburg, as "a distinguished historian, and one of the most learned of living scholars and divines." Further, this paper which Bishop Creighton read on the occasion of the Church of England Conference at Norwich (October 1895) has been since republished by the Church Defence Institu-

tion, under the auspices of the Archbishop of Canterbury, with the title, "The National Church in the Middle Ages."

I have therefore taken this paper as fairly representative of the line of argument adopted by members of the Church of England on the subject of continuity, and I have endeavoured to answer the question, Is Bishop Creighton's argument sound? Do the instances he adduces from history bear out his conclusion?

There is one point on which I have thought well to lay special stress, and that is, the bearing of the Statutes of *Provisors* and *Præmunire* on the question of continuity. These are the armoury from which the weapons used of late in defence of the continuity theory as held by Anglicans have been mostly taken. I have avoided as much as possible any abstruse disquisitions on this part of my subject, but what appears below (Ch. VII.) is the result of a careful study of the Rolls of Parliament, and other original sources belonging to the period of the original promulgation and successive re-enactments of those statutes. The result is that I have been more than ever convinced that most of the current histories of England grievously misrepresent the bearing of these statutes on the question of England's faith in Papal Supremacy. These histories either identify Parliament with the Church, or take the side of Parliament against the Church,¹ or mistake a moan for dogmatic teaching, or convert the resistance to a particular exercise of authority into a repudiation of the authority itself.

¹ *e.g.* "The English Church in the Middle Ages," in the series edited by Bishop Creighton, called "Epochs of Church History," and Bishop Creighton's own paper.

I would also draw particular attention to the teaching of Archbishop Warham, contained in Ch. X. Mr. Gladstone, in his recent letter on Anglican Orders, has repeated his erroneous conception (as I must consider it) of Archbishop Warham's concession in 1531. His Grace's letter, first published in full by Canon Moyes, owing to the indefatigable researches of Dom. Gasquet, appears for the first time in a book dealing with English history, in the following pages (Ch. X.). Its important bearing on the faith of the English Church at that time will be seen at once. It precludes the idea that the Episcopate of the Church of England, that is to say, the teaching body, had imbibed the teaching of modern Anglicanism, even in germ, before the tyranny of Henry VIII. swayed the minds and determined the action of many of its members. It shows that, although the soil had been prepared, and the conditions rendered favourable for a separation from Rome, the Episcopate had not up to that time contemplated the idea of an independent national Church. The idea of ecclesiastical jurisdiction, which the following pages show, if they show anything, to have been that of the Church of England from the days of Augustine, was still in possession. We may dismiss from the items of evidence on this head the so-called petition from Convocation about separation, which figures in so many English histories. It was certainly not a petition from that body, and probably nothing more than a proposed rough draft from a civilian's hand.¹ But the moral conditions favourable to

¹ Cf. "Anglican Fallacies," by Rev. Luke Rivington, p. 23 (price 8d., Catholic Truth Society).

separation, in the shape of a spirit of subservience to royal tyranny, and the preference of earthly to heavenly interests, were in existence. These, together with a lack of learning consequent on the distressing condition of ecclesiastical England after the Black Death, led to the submission eventually tendered to a sovereign of unprecedented power and unlimited unscrupulousness, which Archbishop Warham would have regarded as schismatic in form and Erastian in substance. Archbishop Warham's defence, of which I am speaking, completes the chain of evidence which shows that in the intellectual sphere there was no gradually gathering volume of disbelief in Papal jurisdiction ready to burst upon the land, which is such a favourite idea with many Anglican writers on the sixteenth century.

§ 2. *Canon Law.*

There is, however, one sphere of proof on which I have dwelt but little in the following pages, as it seemed to demand, for effective treatment, more space than could be given to it in this volume, and that is the evidence to be derived from the Canon Law of England. It will be well, however, to say something on the subject here.

A few years ago¹ I ventured to question the historical accuracy of a sentence to be found in the Report issued in 1883 by the commissioners appointed to inquire into the constitution and working of the Ecclesiastical Courts

¹ *Dublin Review*, October 1890 ; art. i. p. 245.
b

in the Church of England. That Report, which is signed by such great names as Stubbs and Freeman, speaks (p. 28) of "the canons passed in Legatine Councils under Otho and Othobon" as having been "*ratified* by the National Church under Archbishop Peckham."¹ Dr. Stubbs, in his "Oxford Lectures" (p. 25), uses the same expression—"These canons, which might possibly be treated as in themselves wanting the sanction of the National Church, were *ratified* in Councils held by Peckham"; and again (p. 308)—"The constitutions of Othobon, which were *confirmed* by Peckham at Lambeth, and which, with those of Otho, were the first codified and glossed portions of the National Church law." That same Report says, "But the Canon Law of Rome, although always regarded as of great authority in England, was not held to be binding on the courts."²

Now here is the question of "continuity" in a nutshell. If the Canon Law of the English Church was made independently of Rome, there is continuity between modern Anglicanism and the Church in England before the sixteenth century; if it was dependent on Rome, continuity is to be found between ourselves and the old Church in England. Now the answer may be given in a single sentence. Archbishop Peckham himself has said that "the Sovereign Lord of all gave authority to the decrees of the sovereign Pontiffs when He said to Peter in the Gospel of St. Matthew, 'Whatsoever thou

¹ The italics are mine.

² "Report of the Ecclesiastical Courts Commission," 1883, vol. i. p. xviii.

shalt bind on earth shall be bound in heaven'?"¹ Consequently Peckham could not have meant to "ratify" the decrees of the Roman Pontiff as by a superior authority. Those decrees must have been "held to be binding on the courts." And if we look, for instance, to the Council held in London by Othobon, the Papal legate, in 1268, we find it stated in the Acts of that Council, that the legate himself issued the constitutions of which Dr. Stubbs speaks, and delivered them to the English prelates to be observed by them and by their descendants. And when some of the younger prelates, whose jurisdiction seemed to be "diminished" by these constitutions, appealed to the supreme Pontiff, Othobon gave them a day in which to decide "whether the whole community wished to prosecute the appeal [thus] interposed."² But they gave in, and accepted the decrees thus placed before them—decrees which embraced in their provisions such subjects as, on the one hand, the administration of the Sacrament of Penance, and, on the other hand, the dress they were to wear.³ When all was finished the legate gave the prelates leave to return to their homes.⁴

Here is an instance of what was meant by the "acceptance" of legatine constitutions. They were received as of binding authority, unless under appeal to the supreme Pontiff.

¹ *Registrum Epistolarum* (Rolls Series), Ep. 199, vol. i. p. 240.

² "An tota communitas appellationem interpositam prosequi vellet" (Wilkins' *Concilia*, ii. p. 1).

³ Wilkins' *Concilia*, ii. pp. 1-19.

⁴ "Licentiam tribuit ad propria repedandi" (*loc. cit.* p. 1).

But whilst these sheets are passing through the press, I have had the satisfaction of reading a very remarkable article in the current number of the *English Historical Review* (July 1896), which touches on this very point, and altogether confirms my contention as to the constitutions of Otho and Othobon having been considered to be binding in virtue of their Papal authorisation. The writer, Professor Maitland, LL.D. (Professor of the Laws of England at the University of Cambridge), calls in question the same *dictum* of the Ecclesiastical Courts Commission, and the same statements of Dr. Stubbs, and opposes incidentally the same statement of Archbishop Peckham. But he adds irrefragable evidence to the effect that the relation between provincial constitutions and Papal decretals was that of subject to superior. In other words, the Church of England was governed from Rome. He draws attention to the fact that provincial constitutions in England did not provide for the essentials of ecclesiastical life: these were to be found in the common law (the *ius commune*) of the Universal Church. In this respect the nation and the Church of England differed essentially. The State was producing "the most thoroughly national system of temporal law that the mediæval world could show. But whereas the English State was an independent whole, the English Church was in the eyes of its own judges a dependent fragment whose laws had been imposed upon it from without."¹ "As to the theory that prevailed in the Court of Canterbury during Lyndwood's tenure of office, there can be no doubt whatever. Peckham and

¹ *Eng. Hist. Rev.*, July 1896, p. 475.

his Councils could not 'ratify' legatine constitutions; in such a context 'the sanction of the National Church' = o" (p. 463).

"The English Church was a dependent fragment"—this is the very kernel of my contention in this book, and it is naturally a source of gratification to see it maintained by one holding the position that Professor Maitland does, and approaching the subject from a different point of view. This able writer's proofs of his thesis may be summarised thus :—

After pointing out that the words "common law" (*jus commune*) meant in those times not something in contrast to "statute" law, but the law of the Universal Church,¹ he examines two witnesses of supreme importance—William Lyndwood, the Archbishop of Canterbury's official principal, and the author of one of the best known and most highly esteemed works on ecclesiastical law in the whole course of English history; ² and John of Ayton, the famous canonist. John of Ayton wrote in the first half of the fourteenth century, Lyndwood in the first half of the fifteenth; and we must bear in mind that there was no such conflict of opinion on these matters as is to be found now in the Church of England. The doctrinal teaching of an Archbishop's principal official did not differ from that of the Archbishop.

¹ So that there is no meaning in such an expression as "efforts were made to displace the common law for the canon law" in "The English Church in the Middle Ages," p. 149 ("Epochs of Church History"). The same may be said of a passage on p. 203 of the same work.

² Lyndwood's *Provinciale*. The quotations that follow are from the *E. H. Review*, July 1896.

Now, in neither of these writers has Professor Maitland been able to discover any denial, dispute, or even debate as to the binding force of Papal decretals. They are quoted as imperative documents. In Lyndwood there are plenty of open questions, but "what we do not see in our English books is the slightest tendency to doubt the Pope's legislative power or to debate the validity of his decretals" (p. 453).

John of Ayton discusses the question whether the Pope is the *dominus* of all the Churches in the world, and gives the opinion that he is, so far as the power of "reserving" and "collating" them is concerned—exactly the position maintained in Chapter IX. (pp. 157-9) of this work. "We here see," says Professor Maitland, "our English canonist citing a decretal which in the boldest language claims that a plenary power of disposing of every Church belongs to the Roman Pontiff" (p. 454). Our canonist bemoans the use often made of this right, but of the right itself he has no doubt. And, as Professor Maitland says, "a moan . . . is not a legal principle."

Again, "Lyndwood holds that no General Council can be summoned without the authority of the Apostolic See, and he cites without disapproval the opinion of those doctors who maintain that the Pope is above a General Council;" and, as Professor Maitland¹ points out, if there had been any treasured tradition of Anglican independence, Lyndwood, the head of English canonists, lost "an unexampled and irrecoverable opportunity" in not referring to it. The idea of a General

¹ Professor Maitland exaggerates the appeal of Chichele to a General Council, as may be seen below, p. 148.

Council being above a Pope is represented by Lyndwood as being "held only by one doctor, who has been dead for upwards of a century, and who is suspected of self-interest. And this after the Council of Constance!" (p. 456). Lyndwood speaks of the Pope being "above the law." A Pontifical decretal is binding two months after its publication. Indeed, it was simple heresy to dispute the authority of a decretal.¹ So speaks the great English canonist of the fifteenth century, whose interest it was to magnify his Archiepiscopal Court as far as possible. And it was "a principle to which archbishop, bishops, and clergy of the province of Canterbury have adhered by solemn words" (p. 457); witness the constitutions of Thomas Arundel in Wilkins' *Concilia*, iii. p. 317. Decretals are defined by the Archbishop as the "precepts of laws and canons duly issued and canonically promulgated by the key-bearer of eternal life and death, the vicar on earth, not of a mere man, but of the true God, and he to whom God Himself has committed the rights of the heavenly kingdom."²

And this teaching was not a passing utterance in a moment of excitement, but the established principle on which the action of the Court of Canterbury was based. The Archbishop might make for his province statutes which are merely declaratory of the *jus commune* of

¹ "Dicitur etiam hæreticus qui ex contemptu Romanæ ecclesiæ contemnit servare ea quæ Romana ecclesia statuit, et etiam qui despicit et negligit servare decretales" (Lyndwood, *Provinciale*, p. 292, gl. ad v. *declarentur*).

² Wilkins' *Concilia*, iii. p. 314.

the Church, the law of the Universal Church—statutes which recall it to memory, which amplify it and give it a sharper edge. He might supplement the Papal legislation; but he had no power, according to Lyndwood, to derogate from, to say nothing of abrogating, the laws of his superior. For nothing is clearer in Lyndwood than that the Pope is the superior of the Archbishop. The relation of the Court of Canterbury to the Roman Court was not as that of one Church to another Church, but of an inferior to a superior court in the same Church.¹ Consequently, Lyndwood speaks of Peckham's acceptance of Othobon's constitutions as being executive, not authoritative, in direct contradiction to the statement of the Ecclesiastical Courts Commission, and of Dr. Stubbs, given above.²

The bishops did not enforce some of the decretals; indeed, John of Ayton says that the only constitutions that were enforced with any alacrity were those that brought profit to episcopal purses. It is well that our English historians, who are so fond of attributing greed to Rome, and to her alone, should remember that the tendency of Papal legislation was often directed to secure for members of the Church advantages of

¹ "Verum est quod constitutiones legatinas non poterit archiepiscopus tollere, quia inferior non potest tollere legem superioris" (*Provinciale*, p. 154, gl. ad v. *adjiciendo*).

² "Præceptum potius executivum illius [constitutionis Othobonis] quod primo statutum est quam auctoritativum, videlicet cum istud præceptum est ad excitandum negligentes observare constitutionem ipsam" (*Provinciale*, p. 11, gl. ad v. *observari*).

which the greed of English bishops was apt to deprive them.

Professor Maitland also points out that the acceptance of Papal constitutions meant no more than that they were put in practice and their recommendations not allowed to fall into desuetude. It was not making them authoritative; it only denoted their actual execution. The provincial legislation, which it must be remembered proceeded from the Archbishop, not from the Provincial Council (the Archbishop being Papal legate *ex officio*), had for its scope the enforcement of authoritative Papal enactments, bringing them to the knowledge and to the memory of the people, so that such statutes as were binding on the Universal Church might not be disobeyed through ignorance; or they might adapt Papal decrees, but not deviate from them in substance. The provincial laws were, in fact, "bye-laws" in the modern sense of the term.

For instance, if you wanted to know the law of marriage, you would not find it in the ecclesiastical law of England as contained in the provincial constitutions, but in the common law of the Universal Church, to which these constitutions were ancillary, a mere appendix. When Lyndwood discusses the law of marriage, "whence it derives its name, how it is contracted, where it was instituted, what are the causes of its institution, what good flows from it, and what impediments there are to it," he at once says, "Of all these matters Innocentius [the Pope] has treated, and yet more fully Johannes Andreae."¹ In other words, as

¹ Lyndwood, p. 271, gl. ad v. *matrimonium*.

Professor Maitland puts it, he refers you "to the works of two Italian canonists of high repute, one of whom was a layman, the other a Pope."¹

It will be obvious that nothing would have more amazed the head of the Court of Canterbury in A.D. 1430, than to hear a religious body which looks to Rome as its source of jurisdiction and its court of appeal, called an "Italian Mission" in a depreciatory sense. The whole Church of England was so bound to Rome that it literally lived on the decrees of Rome, and knew of no ecclesiastical law that had not at least in principle emanated from Rome and that had not the hall-mark of Rome on it.

So that if we compare John of Ayton in the fourteenth, and Lyndwood in the fifteenth centuries—two undeniably competent representatives of the teaching of Canterbury—we find no sort of tendency or disposition to see in the position of inferiority and subjection on the part of the English Provinces towards Rome anything but the normal condition of things in the Church of God. They knew no other relationship that did not savour of heresy.

§ 3. *Authorities.*

Besides the authorities actually quoted in this book, there are a few that have been persistently consulted—such as Rymer's *Fœdera*, Wilkins' *Concilia*, and the Rolls of Parliament. But a main source of information

¹ *Eng. Hist. Rev.*, p. 471.

has been also the magnificent set of volumes known as the Rolls Series. The series of witnesses contained in this collection of chronicles, &c., if really studied, must materially change our books of English History in the future. But there is one witness whom I have learnt profoundly to distrust, who has been a prolific source of misstatement in our English historical literature, and that is Matthew Paris. Long ago Dr. Lingard pointed out, and in certain cases proved, the untrustworthiness of this monk of St. Alban's. Unfortunately, Mr. Green, in his admirable "History of the English People," leant on Matthew Paris to an extent which has marred his estimate of some personages and passages in mediæval history. I have given a startling instance of his untrustworthiness below (pp. 124-8). He is immensely valuable for the letters which he has preserved, when he gives them in full; but his summaries, where they can be compared with originals, are quite untrustworthy; and his own comments are almost worthless, except for those who prefer the ebullitions of spleen to a statement of facts. The very epithet which Mr. Green uses of him is suspicious, viz., "patriotic." His patriotism generally consisted in misrepresenting the Holy See. We can love our mother country as well as our mother Church, the mother and mistress of all Churches; but Matthew Paris began with a twist against his spiritual mother.

It will be noticed that I have frequently alluded to certain "Church Historical Society Lectures." These contain the latest instance of an Apology for the Church of England, having been published under the

auspices of a newly formed society, of which Bishop Creighton is president. The places in this volume in which I have dealt with the two lectures of that series which concern my subject, will be found in the Index.

In conclusion, I have to thank the attendants in the Reading-room of the British Museum for unfailing courtesy in the last few years, as also the Librarian of the University Library of St. Andrews.

ROME AND ENGLAND

CHAPTER I

THE EARLY ENGLISH CHURCH AND ITS RELATION TO ROME

§ *Introductory*

On page 112, line 3, *delete* "to that Pope."

115, *for* "Pope Innocent," *lege* "the Papal
Notary."

adds that "it is remarkable how soon the atmosphere of their island home exercised its influence on the Norman intelligence." This atmosphere led them to feel that both "he [Anselm] and the King alike were bound

¹ "The National Church in the Middle Ages," p. 11.

to maintain the customs of the realm, and settle their disputes by reference to them alone." "They said" (when refusing to support the Archbishop in carrying his appeal to Rome) "that it was contrary to the customs of the realm which he had sworn to observe."

Now, this interpretation of St. Anselm's conflict with William Rufus assumes that "the atmosphere of our island home" was fatal to the idea of any necessary dependence on Rome in regard to ecclesiastical discipline; the customs of the realm were against it. It assumes, too, that these customs stretched back beyond the Norman period, which commenced with the Conqueror's reign, to whom William Rufus had now succeeded. They "exercised their influence on the Norman mind."

It will be my endeavour to show that, on the contrary, "the atmosphere of our island home" favoured the idea of dependence on Rome in ecclesiastical matters; that the "customs of the realm" alluded to here had nothing ancient about them, but were profoundly un-English; that, in fact, dependence on Rome was a leading characteristic of the life of the early English Church. And by "early English" is here meant the period stretching from the seventh century to the time of the Conquest in the eleventh. Beyond the seventh century we need not go; there is no need to occupy ourselves with the British Church. She was not the progenitor of the Church of England. It has been lately asserted by a considerable Anglican authority that "we may confidently say with the late Professor Freeman, 'It is contrary to all historical fact to speak of the ancient British Church as something . . . out of which the Church of England grew.' It is equally unhistorical, we may add, to speak of the Welsh Episcopate as the 'fountain' of the English."¹

¹ "Waymarks in Church History" (p. 298), by W. Bright, D.D., Prof. of Eccles. Hist., Oxford.

I shall therefore in this chapter deal only with the English Church as it started on its career in the end of the sixth century.

§ 1. *Pope St. Gregory, the real Apostle of England.*

But here we are met with a new theory which has been widely applied to the start of the English Church and to the question of *continuity*. The Bishops of the present Establishment, in commencing a large central institution, or mass of buildings, called the "Church House," in memory of the Jubilee of Her Gracious Majesty's reign, adopted on their seal the following symbol of their supposed historical position: Our Blessed Lord stands in the centre, and beneath Him, on either side, are St. Aidan on the right side, and St. Augustine of Canterbury on the left. These two saints stand on even pedestals receiving His blessing, and streams of water flow from His feet to theirs, and from theirs downwards to (we presume) the present generation. This is understood to symbolise the theory stated, or, at any rate, brought into prominence, by the late Bishop Lightfoot, who is responsible for the saying, that "not Augustine, but Aidan, is the true Apostle of England."¹

This absurdly unhistorical theory, which found favour with so great a writer, and has been adopted by the present Archbishop of Canterbury, has been admirably refuted by the present Regius Professor of Ecclesiastical History in the University of Oxford. It would be difficult to add anything to his conclusive reasoning. Canon Bright says, "If the title [of Apostle] belongs to the man who first brings home to any part of a given people the

¹ "Leaders in the Northern Church," by Bishop Lightfoot, p. 9.

knowledge of Christ and the ordinances of His religion, then it is enough to remark that Augustine came into Kent when all the 'Saxon' kingdoms were still heathen. He came to confront risks which Aidan, for instance, had never to reckon with on appearing in Northumbria at the express invitation of St. Oswald. He came thirty-one years before the evangelisation of the East Anglians, thirty-seven years before the arrival of Birinus in Wessex, thirty-eight years before the 'Scotic' mission established itself, with assurance beforehand of the fullest royal co-operation, in Northumbria. His long precedency in the mission-field is a simple matter of chronology; it means that he threw open the pathway, that he set the example, and that a generation had passed away before 'Scotic' zeal followed in his steps."¹

Canon Bright shows that Bishop Lightfoot altogether underrated the work of Paulinus, whom Augustine sent to the North. The Bishop says that Paulinus "made no way in Northumbria," grounding his accusation on the statement of Bede that no cross, church, or altar had been set up in *Bernicia*, which Bishop Lightfoot apparently mistook for the whole of Northumbria; and he appears also to have forgotten that the centre of Paulinus' work was York, in Deira, whence he had hardly had time to organise his work with any fulness in *Bernicia*, which was under a different branch of the royal line. Bede, moreover, gives a very different account of Paulinus' work even in *Bernicia* (St. Bede's own home) from that which Bishop Lightfoot deduces from the absence of churches, altars, and crosses. The historian speaks of the work of Paulinus at the river Glen, how "the people of Christ flocked thither from all villages and places" to be instructed and baptized. "This he did in the pro-

¹ "Waymarks in Church History," by W. Bright, D.D., p. 309.

vince of the Bernicians. But also in that of the Deirans he used to baptize in the Swale."¹ His work extended to Lincoln, where he converted the reeve, and built a church.

It has been assumed that Paulinus' work was superficial, because Bede speaks directly afterwards of "the year of apostasy"; but, as Canon Bright points out, this refers not to the Christianised people, but to the two young kings, Osric and Eanfrid; whilst James the Deacon, who was left behind when Paulinus escorted the widowed queen to her old home in Kent, "took much spoil from the ancient enemy." And so Canon Bright concludes, "We have, then, good reason for believing that as Paulinus was first in the Northumbrian field, as the solemn national acceptance of Christianity was due to him and to Edwin as his proselyte, as he worked incessantly for six years chiefly in Deira, but also to some extent in Bernicia, so the foundations which he laid were not destroyed, but rather built upon and enlarged, when Aidan came and had a prince for his fellow-worker."² And Paulinus was part of the mission direct from Rome.

It is sometimes said that St. Aidan entered upon his work without the sanction of Rome; but this is contrary to fact, for St. Gregory blamed the British bishops for not doing what they could to evangelise the people beyond the confines of their own dioceses.³ His strictures were passed on these bishops on the understanding that this was the part of a Christian teacher. Aidan was, therefore, only following out a principle everywhere understood, viz., that any one who engaged in missionary work beyond the limits of the jurisdiction assigned to him as overseer of the baptized, was fulfilling

¹ Bede, ii. 14.

² "Waymarks," p. 315.

³ Ep., lib. vi. 58, "sacerdotes e vicino negligere."

a duty incumbent on the Christian as such, when possible, and therefore he had all that was needed, *i.e.*, the indirect sanction of Rome. When St. Wilfrid, the devotee *par excellence* of the Petrine prerogatives, went to convert the people of Sussex, he asked no one's leave, for none was needed. It was, as I have said, an understood law expressed by Gregory the Great, that Christians should, as far as possible, endeavour after the conversion of those who were outside the fold, and when St. Aidan brought them into the fold he brought them into communion with the See of Peter—for those who, like St. Aidan, differed only on some points of discipline such as the tonsure and the date of the Paschal Feast, were not outside that communion; and St. Oswald, who stood sponsor to King Cynegils at his baptism by St. Birinus, was obviously in communion with this latter saint, who came direct from Rome, and St. Oswald and St. Aidan were in the closest possible communion of faith and work. Besides, the way in which St. Bede speaks of the monks of Iona and of St. Aidan himself forbids the supposition that they were not at that time in full communion with Rome.

And so England has through all her history called Gregory the Great her Apostle. Although it is true that a large portion of our country was converted by Scots, *i.e.*, Irish (who had received their Christianity from the Continent, that is, from those that were in communion with Rome), still it was to the heart of the great Pope, who saw angels in the Anglo-Saxon children in the market-place at Rome, that our forefathers (left by the British bishops to their paganism) owed the first seeds of Christian truth. Augustine was sent by Gregory.

§ 2. *Rome the Mother and Mistress of Canterbury.*

It was from Pope St. Gregory also that the Church in England received the first rough draft of her hierarchical organisation: "To you, my brother," wrote the Pope to Augustine, "shall be subject by the authority of our God and Lord Jesus Christ, not only those bishops whom you shall ordain . . . but also all the priests in Britain."¹ It has been said that St. Gregory was here violating a canon of the Council of Ephesus which begins, "If any one has invaded a province and brought it by force under himself." This assuredly was not done by St. Gregory.² But that Pope did certainly claim to exercise jurisdiction over bishops as distant from Rome as were those of Britain, and as certainly the Church of England considered his claim to be just. At the Council of Windsor, Archbishop Lanfranc quoted this settlement by Gregory as the ground of the precedency of Canterbury over York.³ The Archbishop of York admitted the fact as to Gregory's arrangement, and did not deny its binding force on the first occupant of the See of York. But he seems to have suggested that it did not apply to the *successors* of the first Bishop. His plea was disallowed.

¹ Bede, i. 29.

² It was in reality no canon. It was a decree as to bishops not going beyond their own patriarchates, aimed at Antioch, which was said to have forcibly invaded the Cypriot jurisdiction.

³ He gives the various Papal settlements of the question, beginning with Gregory as the "ultimate strength" of his argument and "the strong foundation of the whole case," and ends (in writing to the Pope) with saying that these are the reasons why his Holiness "ought to concede" the primacy to Canterbury over York, and then says that he (Alexander II.) is intrusted with the Church by divine decrees.—Wilkins, i. 327.

It was, then, from Rome that England received the first authoritative outline of her ecclesiastical organisation, though London was at first contemplated as the metropolitanical centre; but London was changed for Canterbury by another Pope (Boniface V.), who sent the pallium to Justus of Canterbury. The next Archbishop (Honorius) received the pall, by request from the King, from Pope Honorius I.,¹ and was authorised to ordain to York, and York to Canterbury, in case of the death of either, *to save the long journey to Rome.*² Thus it was by Papal authority that the outline was drawn in the first instance for the organisation of the English Church, and by Papal authority that the centre was fixed at Canterbury.

But it was Theodore who, soon after ascending the throne of Canterbury in A.D. 668, broke up the huge, unwieldy dioceses in the North, and organised the Church in general on the more definite lines to which, with the addition of certain details, it has adhered ever since. And Theodore was the gift of Rome to England. Two kings, Egbert and Oswy, had sent a candidate to Rome for consecration, who died there; and Pope Vitalian selected and consecrated in his stead the great Theodore, who was commissioned by the successor of Vitalian, Pope St. Agatho, to give a slightly more articulate form to the organisation of the Anglican Church. It was to have twelve Sees covering the whole of Britain, and their centre was to be Canterbury, which (so his words ran) "was to receive the pallium from the Apostolic See." In carrying out this precept—for such it was considered—Theodore professed to act with the authority of Rome. We have, indeed, evidence of the most irrefragable nature that Theodore held that the Apostolicity

¹ Wilkins, i. 35.

² Bede, ii. 18.

of the Church involved her government by the Apostolic See. As will be presently shown,¹ his teaching was on all points entirely one with that of Rome, and we know well what St. Agatho's teaching was as to the jurisdiction and infallibility of his own See. In his letter to the Sixth Council, a little later on, he gives the teaching of Rome, as he interprets the words of our Lord in St. Luke xxii. 32 as applying to the successors of Peter and their infallibility.² And the name for the Pope became in England simply "the Apostolic" (*Apostolicus*), and his See was uniformly called "the Apostolic See"—an expression which took its permanent place in our ecclesiastical literature for a thousand years, and which meant on English lips not the Apostolic See of *the West*, but the Apostolic See of the universal Church. And it was considered to be such not as having been the See of the imperial city, but as being the See of Peter.³

Accordingly, when Archbishop Theodore acted in important disciplinary matters, he professed to act as "the

¹ *Infra*, p. 21.

² Mansi, xi. 242. The Bishop of Stepney ("Church Historical Society Lectures," p. 76), speaking of the promise of future infallibility considered to be contained in our Lord's words to St. Peter, "I have prayed for thee that thy faith fail not: and . . . strengthen thy brethren," says, "So far as I know, no one suggested such a meaning till Pope Agatho pressed the passage into his service about the year 680." If the Bishop had been acquainted with the writings of St. Leo the Great, he would have known that that saint interpreted the passage in the same way as St. Agatho about 250 years before. *Cf.* Leon. Serm. in Nat. St. Petr. Ap., cap. 3.

³ *Cf.* Giraldus Cambrensis, the Archdeacon of St. David's, *De Principis Instructione*, Dist. i. (Rolls Series, vol. viii. p. 106). "He is called Pope, as though Father of fathers or guardian of the fathers. He is called Universal, because he is over (*principatur*) the universal Church. He is also called 'Apostolicus,' because he acts as vicar of the Prince of the Apostles."

envoy of the Apostolic See." It was as such (as we shall see) that he deprived Wilfrid of his See of York; and as such he described himself in the Council of Bishops at Hertford, A.D. 673: "I, Theodore, unworthy Bishop of the See of Canterbury, appointed by the Apostolic See."¹

Another Pope, Gregory III., bestowed the pall on York,² and thus the hierarchical constitution of the Church in England was complete. And so it remained in its main features, with the exception of a slight interval, for 800 years. This exception, however, throws such light on the faith of the Church of England as to the centre of unity and source of jurisdiction that it needs special mention here. Its history was as follows.

§ 3. *The Lines of Jurisdiction under the Care of Rome.*

In the latter part of the eighth century Offa, out of dislike to the Archbishop and the "Canterbury nation," conceived the idea of getting an archbishop for his kingdom of Mercia, independent of Canterbury. Accordingly he "long wearied" Pope Adrian with his assertions (or claims), and in the end gained his point.³ The Pope sent the pall for Lichfield to erect it into an archiepiscopal see.⁴ But when King Offa and Pope Adrian were dead, and there was a new Archbishop of Canterbury, the latter induced the successor of Adrian to rescind the decree and to reinstate Canterbury in its primatial dignity over Lichfield, Worcester, Leicester, and the rest. Kenulph, the new king, himself wrote to

¹ Bede, iv. 5.

² *Chron. Sax.*, A.D. 735.

³ Malmesbury, *Gesta Regum*, § 87, p. 119, ed. Hardy (Eng. Hist. Series).

⁴ Roger de Wendover, i. 138 (Rolls Series).

the Pope a letter remarkable for the spirit of charity with which it speaks both of Adrian and Offa, as also for its simple exposition of the English faith as to the government of the Church. Speaking of Pope Adrian as the pastor of Christ's flock, and of himself as the son of Pope Leo, who had succeeded Adrian, and of the "Apostolic dignity" of Leo's See, he says that he thinks it fit "that the ear of our obedience should be humbly bowed to your holy commands, and that what seems to your Holiness ought to be followed by us should be fulfilled with our whole endeavour."¹ He appeals to the canons, as interpreted "by all our experts,"² and "the Apostolic statutes, which were decreed to us by our most blessed father, Gregory, by the authority of which twelve bishops ought, by the order of the same father, to be subject to the (Canterbury) jurisdiction." He explains that this applied to London in the first instance, but that Canterbury had been made the centre, as the body of Augustine rested there, "in the basilica of the blessed Peter, Prince of the Apostles." He then narrates how Pope Adrian had "exalted the Bishop of the Mercians with the pall,"³ *i.e.*, as Kenulph's words clearly mean, invested him with metropolitan jurisdiction. He asks that this may be reversed.

Now, Kenulph, in this letter, tells us that he is expressing the mind of all the experts of his kingdom. It is therefore clear that in the judgment of Anglo-Saxon Christianity the assignment of metropolitan jurisdiction lay with the Apostolic See.

Moreover, Kenulph takes the opportunity of asking the Pope to read through the letter written by Archbishop Ethelard, in concert with "all our provincial bishops," concerning "his own causes and necessities,

¹ *Gesta Regum*, § 88, p. 121.

² "Peritissimi juridique."—*Ibid.*

³ *Ibid.* § 88.

and those of the whole of Britain," and "to open to us in the page of truth what the form of faith requires concerning the subjects treated of in the said letter."¹

We have, then, in this series of communications between Rome and England concerning the Archbishopric of Canterbury, an emphatic expression of belief in Papal jurisdiction over this realm of England, acknowledged by kings, archbishops, bishops, and canonists. And about seven years later, allusion was made to this arrangement of the Episcopal Sees (so peculiarly an act of jurisdiction) at the Great Council of English Bishops at Cloveshoe, in the following words: "The Apostolic Father (or Pope) sent into Britain an authoritative precept of his prerogative commanding the honour of St. Augustine's See to be restored in all its completeness, with all its parishes [dioceses], just as St. Gregory, the Apostle and Master of our nation, arranged it."²

§ 4. *The English Church Fed and Reared by Rome.*

Thus England received its ecclesiastical organisation from Rome. And having received it, she cherished through those early centuries the closest intercourse with her spiritual mother. From St. Mellitus onwards, bishops went thither to unburden their minds, and to receive direction and authoritative precepts. Bede tells us how that first Bishop of London went to Rome "to

¹ *Gesta Regum*, § 88.

² "Sui privilegii auctoritatis præceptum posuit et in Britanniam misit et præcepit, ut honor Sancti Augustini sedis cum omnibus suis parochiis integerrime redintegraretur, juxta quod Sanctus Gregorius, nostræ gentis apostolus et magister composuit."—Wilkins, i. 167 (A.D. 801). Notice the word "magister"; Gregory was not held to have launched the Church in England, and then to have left it to itself.

confer with Pope Boniface about the necessary affairs of the English Church," and how, whilst there, he subscribed the decrees of a Council (610), and brought back a copy of the same "to the churches of the English to be prescribed and observed."¹ "From Rome, also, we received," he says, "all things in general that were necessary for the service of the Church"—and what were they? "Sacred vessels and vestments for the altars, also ornaments for the churches, and vestments for the priests and clerics, as likewise relics of the holy apostles and martyrs."²

Such, then, was the close relationship between England and Rome. She depended on Rome for her organisation, and she had already—in the eighth century—in the matter of the Lichfield Archbishopric, acted on the principle of appeal to Rome in such matters as the mutual relations of her bishops. But not only so. Her whole tone was Roman; her method of chanting her services, the selection of the Saints whom she invoked, her martyrology, her very faith, as well as her discipline, all these were distinctly Roman. There was one man in the preceding (seventh) century of whom Dr. Stubbs writes thus:—"The debt which England owes to Benedict Biscop is a very great one, and has scarcely ever been fairly recognised; for it may be said that the civilisation and learning of the eighth century rested on the monasteries which he founded, which produced Bede, and through him the school of York, Alcuin, and the Carolingian School, on which the culture of the Middle Ages was based."³

¹ "Eccl. Hist.," i. 29.

² In the ninth century a Continental author speaks of the English as those "who have always been and are in closest familiarity with the Apostolic See."—Gesta Abb. Fontan. Pertz., ii. 289.

³ Cf. "Benedict Biscop," by Dr. W. Stubbs, in Smith and

Now Benedict Biscop went no less than four times to Rome in the seventh century, bringing back with him Roman books, Roman privileges, Roman chants, and Roman principles. Once he was accompanied from Rome by an abbot, who taught the Roman method of singing and reading aloud, "as it was practised at St. Peter's at Rome," says St. Bede. And the methods of celebrating the festivals of the year thus brought from Rome, says the same authority, "have been copied by many others elsewhere." This same abbot was commissioned by the Pope to inquire into the teaching of the English Church on matters of faith, and he found it thoroughly satisfactory from a Roman point of view;¹ just as a century later the English bishops, earls, abbots, and other dignitaries said in public to the Archbishop of Canterbury, "Be it known to your paternity that the faith which we hold is that which was planted at the outset by the holy Roman and Apostolic See, under the direction of the most blessed Pope Gregory."²

Thus, in every way, the Church of England was strictly Roman. Nothing could exceed the close and intimate relations between Rome and England throughout the early English (Anglo-Saxon) period. Kings went to live in the Eternal City to be near the tomb of the Apostles Peter and Paul; others to die there in peace; others, again, to take the monastic habit. The last of these royal pilgrims of whom we have any full account lived in the very century of the Conquest—

Wace's "Dictionary of Christian Biography"; also an article by Canon Moyes in the *Dublin Review*, April 1893.

¹ Cf. Jaffé, *Regesta Agathonis*, A.D. 679, where John the Abbot is described as Apostolic Legate, sent "to compel Theodore to summon a synod and adjudge matters of discussion."

² Haddan and Stubbs, iii. p. 512, A.D. 798.

King Knut. He went there, where Alfred the Great received his education, and was anointed by the Pope ; where Caedwalla and Offa and Ina had worshipped, and where the great Ethelwulf had followed his son Alfred. And Knut wrote a letter from Rome to the people of England, in which he speaks of having worshipped at the various shrines in Rome, and adds, "This I have done, chiefly because I learned that the holy Apostle St. Peter received from the Lord the great power of binding and loosing, and is the key-bearer of the heavenly kingdom. Wherefore I have deemed it in the highest degree useful to seek in a special way His patronage with God." And he tells them further that at Rome he met the Emperor, and that he obtained from him the remission of certain taxes and tolls levied on the archbishops who went from Canterbury to Rome "when they visited the Apostolic See, according to custom, for the reception of the pallium."¹

For, as King Knut here observes, it was a custom, and a very ancient English custom, for the Archbishops of Canterbury to go to Rome for that little fillet of wool, which lay for a night over the body of the Apostle Peter, and was thence given to Metropolitans as the symbol that their ecclesiastical jurisdiction flowed from Peter and the See of Peter. We still possess the record of archbishop after archbishop either receiving from Rome, or going to Rome to receive in person, this sign of their jurisdiction. Whilst other matters which might have been thought more important are passed over, this is expressly mentioned, showing the importance attached to it by the English mind. Archbishop Tatwine (A.D.

¹ Henry of Huntingdon, vi. p. 757, D., Barth. Cotton, Hist. Anglic., *sub anno* 1036. Flor. Wigorn. 1031. It would be childish to suppose that all this trouble would be taken about the pallium if it were a mere ornament.

731),¹ Nothelm (736),² Cuthbert (740),³ Eánberht (764),⁴ Wulfred (804),⁵ Ceolnoth (831),⁶ Ethered (858-72),⁷ received the pall, some from Rome, others at Rome. But at length it became the regular custom to go to Rome for it, as in the case of Ælfsige (959),⁸ Dunstan (960),⁹ Sigeric (990),¹⁰ Ælfric (995),¹¹ Ælfheah (1007),¹² Æthelnoth (1022),¹³ Rodbyrht (1048).¹⁴ We have also a list of Archbishops of York who received the pallium from A.D. 745 to A.D. 973, and again two in the eleventh century.

Thus the intercourse between Rome and England in these early centuries was both habitual and unfettered. Nay, if an archbishop did not soon repair to Rome for the pall, after the custom of going in person prevailed, the king would urge him to make haste, as in 995.¹⁵ St. Anselm (to go for a moment into early Norman times) tells us that in his time an archbishop not going to Rome for the pall within a year of his consecration would (unless the pall had been sent to him) deservedly incur the loss of his archbishopric.¹⁶

¹ Sim. Dun., *sub anno*.

² Chron. Sax., *s.a.*; Flor. Wigorn., *s.a.*

³ Rog. Wend., i. 227.

⁴ Flor. Wigorn., *s.a.*; Lambrith, Chr. Sax. *apud* Wharton, Ang. Sacr., i, *s.a.*

⁵ Flor. Wigorn., *s.a.*; Rog. Wend., *sub*. 806.

⁶ Chr. Sax., *s.a.*; Flor. Wigorn., *s.a.*

⁷ Canon Lichf. *apud* Wharton, Angl. Sacr., i.

⁸ Flor. Wigorn., *s.a.*

⁹ *Ibid.*

¹⁰ Chron. Sax., *s.a.*

¹¹ *Ibid.*

¹² *Ibid.*

¹³ *Ibid.* and Flor. Wigorn., *s.a.*

¹⁴ Chron. Sax., *s.a.*

¹⁵ *Ibid.*

This list differs a little from Kemble's. After collating the various original authorities, I found that that writer's list needed a few additions and some minute changes. Of course, the list only contains samples of a universal custom.

¹⁶ Ep., lib. iii. 24. "On the occasion of its reception [*i.e.*, of the pall] he [the archbishop] had to swear obedience to the

Kemble is therefore fully justified in saying that, as a matter of fact (though he naturally regrets the fact), "Saxon England was essentially the child of Rome; whatever obligations any of her kingdoms may have been under to the Celtic missionaries—and I cannot persuade myself that these were at all considerable—she certainly had entirely lost sight of them at the close of the seventh and the commencement of the eighth centuries. Her national bishops, as the Kelts and disciples of the Kelts have been unjustifiably called, had either retired in disgust, like Colman, or been deposed, like Winfrid, or apostatised, like Cedd. It was to Rome that her nobles and prelates wandered as pilgrims; it was the interests of Rome that her missionaries preached in Germany and Friesland; it was to her that the archbishops-elect looked for their pall—the sign of their dignity; to the Pope her prelates appealed for redress or for authority," &c.¹

§ 5. *The History of St. Wilfrid a Proof that the Whole of the English Church looked to Rome as her Mistress in the Seventh Century.*

There was little need of regular appeals in those early centuries, although the case of the Archbishopric of Lichfield in the eighth century shows that the limits of ecclesiastical jurisdiction could only be changed (in the conviction of the English Church) by the authority of Rome. But some incidents in the life of Wilfrid prove that the same principle of submitting the lines of ecclesiastical jurisdiction to the authority

Pope in a form which gradually became more stringent; in early times he undertook a journey to Rome for the purpose."—Stubbs' "Const. Hist.," vol. iii. chap. xix. p. 319.

¹ Kemble's "Saxons in England," revised by W. de Grey Birch, 1876, vol. ii. p. 367.

of the Apostolic See obtained in the seventh century also.

It must be remembered that the Catholic principle as regards the settlement of quarrels has always been that which is laid down by our Lord in Matt. xviii. 15-18. Where any disturbance can be settled by the authorities on the spot so much the better. This is not ignoring any higher authority, but leaving it to do its work of deciding on appeal. So that whatever could be settled by the Archbishop of Canterbury and the rest of the bishops, would naturally be terminated by their judgment. As successors of the Apostles they had their rights and their power of rule. But when quarrels could not thus be settled, the higher authority of the Apostolic See was invoked, and it was held that in obeying that authority men would "hear the Church" in the fullest sense. Now the history of St. Wilfrid brings out the fact, that in the first century of the life of the Church in England, it was the universal belief in this country that the Apostolic See was the final court of appeal on matters of ecclesiastical jurisdiction.

Wilfrid left England with the consent of the kings in whose temporal jurisdiction his immense diocese lay, to be consecrated abroad, since the British bishops at that time were, he said, "Quartodecimans," and out of communion with the Apostolic See. Shortly afterwards Chad was intruded into his See, and Wilfrid, whose missionary zeal seems never to have been damped, went in the spirit of the truest humility to work elsewhere. At length Archbishop Theodore came on to the scene, and brought with him the "decrees of the Apostolic See, whose envoy he was," and restored Wilfrid.¹

¹ Eddius, c. xv., *Unde emissus venerat*, a phrase that frequently recurs. All through, Theodore is mentioned as having acted in virtue of his relationship to the Holy See.

Later on, Archbishop Theodore was induced to pander to Queen Jurmenberg's growing dislike of Wilfrid's influence ;¹ and he divided the diocese of his own mere will, and put three bishops into it, who were foreign to those parts, without consultation with Wilfrid, and without assistant bishops for the consecration.² The Archbishop's action was not only hyper-Papal, but provocative of perpetual discord, as Wilfrid always insisted. "By the advice of his fellow-bishops,"³ Wilfrid appealed to Rome, and made his way thither in person, only to find that Theodore had forestalled him, having sent a monk thither with letters from himself. St. Theodore, St. Wilfrid, and his fellow-bishops—that is to say, the Church of England by representation—thus all agreed in looking to Rome for a solution of the question, which was one of strictly ecclesiastical jurisdiction, and all of them did so on the ground of its being "the Apostolic See."⁴ Such was their idea of the Apostolic government of the Church.

Wilfrid's petition to the Holy See was not that the diocese should not be divided, but that the separate dioceses should be ruled by bishops taken from amongst the clergy of the present diocese, with whom he could work, and that they should be accepted by the Episcopal Synod. The Papal sentence was in favour of Wilfrid ;⁵ but, on his return, king and nobles, nettled at their own arrangement (which seems to have been of pecuniary

¹ Eddius' "Life of St. Wilfrid." The quotations are from the edition in the Rolls Series of *Chronicles and Memorials of Great Britain*, entitled "The Historians of the Church of York and its Archbishops," vol. i. The reason given here by Eddius is also given by Eadmer, in his *Life of Wilfrid*, cap. 26.

² Eddius, cap. xxiv.

³ *Ibid.*

⁴ Eddius, cap. xxix.

⁵ Cap. xxxii. It is important to notice the real nature of Wilfrid's petition, because it is often exaggerated.

advantage to them) having been set aside, declared that the Papal decrees were forged, and Wilfrid was thrown into prison.¹ Wilfrid had brought with him relics from Rome, which the Queen stole and wore on her person, keeping them under her bed at night, and driving about with them by day. She was shortly afterwards possessed of a devil, and in consequence Wilfrid was released, and her Majesty recovered.

There was nothing in all this action of royalty and nobles of which Anglicans ought to be proud. It consisted of lying and brutal tyranny, and the Archbishop unfortunately connived at these irregular proceedings. It is no evidence that these people, when in their senses, disbelieved in Papal Supremacy, any more than it proves their disbelief in God, against Whom they were in open rebellion, so far as their falsehood about the decrees and their brutality against Wilfrid was concerned. Indeed, if they had not believed in Papal Supremacy, they would have had no occasion to resort to falsehood; they would have resisted the decrees as Papal, not as forged.²

The Archbishop had played a thoroughly bad part on any theory, and had he died in this mood he would not have been known to posterity as St. Theodore. But he made a good end. He bitterly repented his

¹ Eddius, cap. xxxiv.

² Mr. Lane goes the length of asserting, in defiance of all documental authority, that they resisted the decrees because they came from Rome ("Ill. Notes on Ch. Hist.," p. 91). Canon Bright protests against this perversion of history. He says, "This is to ignore evidence" ("Waymarks," p. 241). Mr. Nye goes further still in ignoring evidence. He actually asserts that after Wilfrid had been thrown into prison, "so ended (*sic*) what was probably the first ecclesiastical appeal to Rome, and it tends to prove that up to this time the Church of England was wholly independent of the Pope of Rome" ("The Church and her Story," p. 54).

share of the persecution. In order (as he avowed) to pay due reverence to the authority of the Apostolic See, he sent for Wilfrid, and made open confession of his wrongdoing. He said, "Now I confess to God and to the holy Apostle Peter"; and he desired that, as some reparation, Wilfrid should succeed him in his see.¹

But that was not Wilfrid's aim. He urged the Archbishop to send messengers to his friends, with his desire for reconciliation stated in black and white, urging them "according to the precept of the Apostolic See, to restore some part of my substance."² Wilfrid all through shows no desire to receive all that he might have claimed. "Some portion" sufficed. The Archbishop accordingly wrote to King Aldfrid, urging him, "on account of the fear of the Lord and the precepts of the prelates of the Apostolic See," to be reconciled to Wilfrid—in other words, to restore what alone he desired to retain. He wrote also to King Ethelred to the same effect. The result was that Wilfrid received back "many monasteries and regions that belonged to him of right."

Wilfrid thus gained all that he wished, and gained it as a matter of obedience to the Apostolic mandate.

But the quarrel revived. After the death of Ecgfrid, King Aldfrid tried to recover some of Wilfrid's possessions, on the ground that they had been distributed by the order of Theodore, "the envoy of the Apostolic See." He ignored Theodore's penitent reversal of his unjust decision, and proceeded on the ridiculous ground of his decision made at the time of discord. Wilfrid had not insisted on perfect obedience to the mandate of the Apostolic See, and the disturbance was fanned by those very bishops who, if that mandate had been obeyed to the letter, would have been expelled. His

¹ Eddius, cap. xliii.

² *Ibid.*

opponents had only too gladly taken advantage of his consent to something short of entire fulfilment of the Apostolic decision.

Wilfrid appealed once more to Rome, and Ethelred, King of Mercia, decided to do nothing until the matter had been settled there. Wilfrid went again in person to the Holy City, and the Archbishop (Berthwald) accordingly sent legates thither to place his own side before the Apostolic See. Wilfrid asked particularly for the possession of the monasteries given to him by King Ethelred, and for the fulfilment of Pope Agatho's decision by King Aldfrid. But, he added—and this is of importance—that if this last part of his petition, *i.e.*, the entire fulfilment of the original Apostolic mandate, should seem hard to the King, he might at least have Ripon and Hexham, with all their lands and possessions—this being a substantial feature of Agatho's decree, who had included them under the same privilege.

Archbishop Berthwald's legates only put in the plea that Wilfrid had disobeyed the judgment of the Archbishop of Canterbury, "the envoy of this Apostolic See"—the insistence on which appears to have amused the Bishops of the Roman Synod.

The Papal decree acquitted Wilfrid, and ordered Berthwald to hold a synod, in conjunction with Wilfrid, to determine the best course, and to bear in mind the decree of Agatho and his successors.¹ The matter was thus, by order of the Pope, left to some extent to the possibility of mutual agreement—in fact, to an amicable settlement out of court. The Archbishop, "compelled by Apostolic authority," came to a peaceful arrangement with Wilfrid. King Ethelred did the same, swearing to observe "the writings of this Apostolic See." Moreover,

¹ Eddius, cap: liv.

as he was about to resign his crown and retire into the cloister, he bound over his successor, Cœnred, to "obey the Apostolic decrees," which Cœnred promised to do.

There was more difficulty with a king like Aldfrid. At first he seemed amenable to reason, but then he fell back on the absurd plea that Theodore's decision, *being that of an envoy of the Apostolic See, and of almost all the prelates of Britain*, ought to be obeyed. He chose to disregard Theodore's repentance, and the real mind of the rest of the bishops. This, however, lasted but for a while. He repented in an illness with which he was seized, and which he attributed to his disobedience, and "vowed to God and St. Peter" that if he should recover he would "make good the desire of the holy Bishop Wilfrid and all the decisions of the Apostolic See," a vow made in the presence of, and attested by, the Abbess of Whitby, for some time Wilfrid's opponent.¹

So far the evidence is complete as to the universal recognition of the See of Peter as the proper court of appeal for the Church in England. But there is still more decisive evidence in the conclusion of the whole matter.

The Archbishop, Berthwald, "at the command of the Apostolic See,"² held a council of all the bishops and abbots and nobles, with the King "of the Northerns" himself. Ethelred had satisfied the desires of his piety, and exchanged his crown for life in a monastery, where he had died and been succeeded by his son. The Abbess Ælfleda, of Whitby, once Wilfrid's opponent, was present. The Archbishop opened proceedings by stating that he and Wilfrid had letters from the Apostolic See, which they were asked to read in English. "We should like to know," said the Synod, "what the Apostolic

¹ Eddius, cap. lix.

² "Ex præcepto Apostolicæ sedis," Edd. lx.

authority says." The Archbishop replied that the "judgments of the Apostolic See were long," but that he would give them a summary. "The Apostolic power, which was first given to Peter, the power of binding and loosing, has decided by its own authority concerning Blessed Wilfrid," that they should be reconciled to him. "To these my fellow-bishops the option of two decisions is given by the Apostolic See." They were either to enter upon a thoroughly peaceful understanding with Wilfrid in accordance with the previous judgment, or to go together to the Apostolic See and have matters decided there in a larger council. Bishops would then be deposed and laymen excommunicated if they disobeyed. "These are the judgments of the Apostolic See in brief."

Some bishops (those who were affected by the change) still pleaded that the decisions of "Theodore, the envoy of the Apostolic See, and of King Ecgfrid and the bishops of nearly all Britain," must hold good. But the Archbishop replied that the King in his last will had "made a vow to God and Saint Peter, saying, If I shall live, I will fulfil all the judgments of the Apostolic See which I formerly refused to obey." If he died, his heir was to be told "to fulfil the Apostolic decision concerning Bishop Wilfrid, for the healing of my soul." A nobleman then bore witness to the fact that the King and his nobles had decided "that we should obey the mandates of the Apostolic See and the precepts of King Aldfrid in all things." Accordingly, peace was made with Wilfrid, and he received the monasteries of Ripon and Hexham and all the returns due to him, and a scene of general reconciliation took place—they kissed and embraced one another, gave thanks to God, and returned to their several homes.¹

¹ Eddius, cap. lx.

§ 6. *Some Anglican Writers on the Early English Church.*

Now, it has been said by an Anglican writer in one of the lectures of the Church Historical Society, recently published, that "we may admit that the gradually developing mediæval theory, almost complete by the last quarter of the eleventh century, looked upon the Pope as head of the whole Western Church, and upon all bishops as in some sense deriving their authority from him. We may admit that this view was largely accepted even in England after the Norman Conquest."¹ But he appears to deny this of the Anglo-Saxon Church. We have now seen how such a denial can only be made in defiance of the records. Further, we have seen how certain it is that in the Anglo-Saxon period the See of Rome was regarded as the See of Peter, the head of the Apostles; and, as the See of that Apostle, it was regarded as the head, not simply of the Western, but of the Universal Church. But this writer adduces as proof of the independence of the Church of England the title constantly used of her from early times, viz., "the Anglican Church" (*Ecclesia Anglicana*). To this it has been replied that the term, as used in early English history, did not mean what Anglicans now understand by it. Professor Collins, however, urges that "the point is, not that Gregory or any other individual calls us the English Church (or the like), but that nobody has ever called us anything else" (p. 55). Professor Collins does not seem to have grasped the nature of the Catholic reply, which is simply that men meant in those early days by the term

¹ Rev. W. E. Collins, M.A., Professor of Ecclesiastical History at King's College, London; "Church Historical Society Lectures," 1896, p. 43.

“English Church” that portion of the Universal Church which is in England—the Universal Church (England included) being, *in their conception*, under the headship of the Apostolic See. In other words, their conception, or faith, was the same in this respect as that of “Roman” Catholics now. Whoever (whatever their number) spoke of the English Church then meant a Church strictly dependent on Rome in the matter of jurisdiction. To argue from the mere expression is first to give it a new meaning, and then to use it in argument with that meaning. The foregoing considerations prove that the meaning of the term was in those days “that part of the Church (*whose centre is Rome*) which exists in England.” St. Thomas à Becket calls it the Anglican Church,¹ as also do the Popes themselves, and we know what they meant.

But Professor Collins hazards the statement that “the English Church acted in the matter of Bishop Wilfrid without paying the least attention (*sic*) to the Pope’s decisions in his behalf.”² All that has been said above amply proves the unhistorical character of this statement. But we may also appeal from the Professor of Ecclesiastical History at King’s College to the Professor of Ecclesiastical History at Oxford,³ who says that “he would be much deceived who should imagine that the temptation to manipulate facts, to misinterpret the purport of events, or to read unwarrantably between the lines of documents, has never been too strong for Anglicans.” And he gives as an instance that “it is often assumed that the Northumbrian Church and realm in 680 rejected the Roman decree in favour of Wilfrid as being Roman, and as constituting an interference. This is to ignore evidence.”⁴ But even Canon Bright’s

¹ Epp. p. 73, ed. Giles.

² “Church Historical Society Lectures,” No. iii. p. 48.

³ “Waymarks,” p. 241.

⁴ Professor Collins begins the paragraph in which, accord-

own estimate of the affair is not quite adequate; for although he admits that "great respect was professed for 'Apostolic' decisions," he yet urges that "Wilfrid had to be content with far less than Rome had at first awarded," as though this argued some sort of independence on the part of the other bishops. But we have seen that the whole affair ended in complete submission to Rome on the part of the English Church—to Rome as the Apostolic See—and that Wilfrid obtained all that he desired.

What, then, are we to say of Mr. Nye's statement that the first appeal to Rome ended with Wilfrid's imprisonment? or of Mr. Lane's deduction from the whole affair, viz., that it proves "that Papal anathemas were nothing accounted of in those days"?¹ These are books that have been circulated by thousands, the one by the Church Defence Institution, the other by the Society for Promoting Christian Knowledge.

And what are we to say of the statements of a writer of a very different order, who would have us believe that the atmosphere of our island home was, before the Conquest, fatal to the idea of settling differences by any appeal to the Apostolic See?² The first two centuries of English Church life saw archbishops' uniformly going to Rome for the pallium, or receiving it thence, English Synods avowing that they held the faith planted here from Rome, the limits of jurisdiction for the Archdiocese

ing to Professor Bright, he "ignores evidence," by saying that "a very superficial knowledge is sufficient" to prove his thesis.

¹ "Illustrated Notes on Church History," p. 93 (80,000th), S.P.C.K. Mr. Lane mistranslates a passage from Eddius—"writings coming, as they called it, from the Apostolic See." It should be, "coming, as you say," &c. The "as you say" refers to the "coming," not to the "Apostolic See." Cf. Bright's "Waymarks," p. 241.

² Bishop Creighton, "National Church in the Middle Ages," p. 3.

of Canterbury settled at Rome in answer to petitions from England, and the great quarrel as to jurisdiction in the North settled by the judgment of the Apostolic See. No one supposes that the Church of England grew less Roman in the next two centuries; but if her principles remained the same, the only religious body now in England that can justify her claim to continuity with the early English Church is that which looks to Rome as her court of appeal, by reason of Rome being the See of the Apostle Peter.

What, again, are we to say of a writer who can so defy all historical evidence as to say "Pope Gregory made us a national Church, *Ecclesia Anglorum*, the Church of the English; nothing Roman in its name or constitution; looking with confidence across Europe to Rome for sympathy [as if this were *all*]; proud of its connection with the greatest city of the world, the greatest See of the West [when it is always called in England the Apostolic See, or the See of Peter, or the Holy See]; but proud with a national English pride that knew nothing of the barbarous Imperial Byzantine ceremony of kissing people's toes [not a very refined way of speaking], knew nothing of subservience to a foreign power" [as if owning the See of Rome to be her mother was the same as "subservience to a foreign power"]?¹ It would be hardly possible to pen a sentence in more flagrant contradiction to history than that rather flippant one about "kissing people's toes." The allusion is to a solemn ceremony which has had the sanction of all nations at all times, and, not least, of the English nation for 1000 years. No one who has read ever so little of the original documents of English Church life, but is aware that an ordinary way of commencing letters to

¹ "Church Historical Society Lectures," No. iv., by the Bishop of Stepney, p. 90.

the Holy See on the part of kings, nobles, Archbishops of Canterbury, and other bishops, was with the phrase, "Kisses of the blessed feet." The flippant distortion of the expression by the Bishop of Stepney is of itself sufficient to show not merely a remarkable indifference to historical evidence, but the chasm that yawns between his own ecclesiastical principles and those of every Archbishop and Bishop of the Church of England, from Augustine of Canterbury down to his last successor, in the person of Reginald Pole.¹

Another statement made by the Bishop of Stepney is disproved by the instances of early English teaching which have been adduced above. The Bishop says in the same lecture, "On what are modern Papal claims founded?" (p. 85). "The great basis of modern Papal claims was laid about 850"—alluding to the forged decretals. But the Supremacy of the Pope was, as we have seen, acknowledged in England in the seventh and eighth centuries. It could not, therefore, have been Papal Supremacy which was founded in that ninth century by forged decretals, whatever else it might have been.

This same writer has produced an incident from the life of Alcuin, the great English theologian of the eighth century, from which he thinks it is proved that Alcuin knew nothing of the Infallibility of the Pope.²

Alcuin desired that a certain book should be sent to four bishops, one of whom was the Bishop of Rome. He does not say, "Let a copy be sent to the Bishop of Rome, to the Patriarch Paulinus, and to Richbonus and

¹ As regards kings, one could hardly select a fairer example than Edward I., whose *supposed* anti-Papal tendencies have been so glorified by writers on Continuity; he says in a letter to Pope Clement V., that he "devoutly kisses the blessed feet" (Wilkins, i. 568).

² "Church Historical Society Lectures," 1896, p. 80.

Teudulphus," &c. ; but he places the Bishop of Rome by himself first, "That a copy be sent to the Lord Apostolic." He then says, "Another also to the Patriarch Paulinus"; and then "similarly to Richbonus and Teudulphus, bishops, doctors, and masters, that each may answer for themselves." The division is here manifest—the Lord Apostolic, the Patriarch of Aquileia, and the two Bishops, who were theologians. It does not matter (as the Bishop of Stepney thinks) whether these are separated by full stops, or commas, or by nothing. The terms in which they are spoken of suffice to separate them. For we know exactly what Alcuin meant by "the Lord Apostolic." He meant one who held the keys, and was supreme over all bishops, and whose *ex cathedrâ* teaching was the norm of the Christian faith. "O most excellent Father, I acknowledge you to be the Vicar of his [Peter's] most Holy See and the heir of his wonderful power." When these words of Alcuin were produced in answer to the Bishop's deduction—that Alcuin thought all the persons mentioned by him, who were to receive a copy of the book, were on a par in regard to the teaching office, because each (he did not say of the four, but, as was pointed out, he may have meant of the *three*) was to answer for himself, and their agreement was to be considered evidence of the heretical or orthodox nature of the book,—this answer was met by the Bishop saying that the quotation showed not that Alcuin believed in Papal Infallibility, but only that he held that the Pope had power to cleanse from sin and open the heavens to those who believe.¹ It might be pointed out in answer that such a power involves infallibility in teaching. But there is no need of this; for there can be no doubt about Alcuin's teach-

¹ "Church Historical Society Lectures," 1896, p. 100.

ing on this subject, since he says in his ninetieth letter: "Lest a man be found a schismatic, or a non-Catholic, let him follow the most approved authority of the holy Roman Church, that whence we receive the beginning of the Catholic faith, there we may have the exemplars of the salvation, lest the key-bearer of the heavenly kingdom exclude such as he shall recognise as *aliens from his doctrine.*"

These last words are conclusive against the Bishop of Stepney's deduction from Alcuin's words about the book being sent to four different persons. It was obviously sent to the *Lord Apostolic* for a different purpose. Alcuin *could not* have meant to put the judgment of the "Lord Apostolic" on a par with that of others. The words in question do not *necessarily* mean this. They must therefore be interpreted in accordance with Alcuin's known teaching, not *vice versâ*. Migne's punctuation, therefore, which separates off the "Lord Apostolic," seems to be right. Anyhow, the Bishop of Stepney's interpretation is wrong, for the matter does not depend on punctuation, but the meaning of words.

It will be seen from what has been said above, that another statement of Professor Collins cannot be maintained, viz., that "it would be easy to show in detail that other Papal encroachments in England, such as legations and appeals, were of quite late date."¹ He gives a quotation from a letter of Pope Paschal II. written to Henry I. in 1115. He concludes the paragraph with saying that "the English Church had not yet begun to multiply appeals and references to Rome as she did later." With this latter sentence we have no quarrel. It proves nothing against the thesis of this book. For the *multiplication* of appeals may be due to

¹ *Ibid.* p. 49.

various circumstances. It is the principle, and sufficient instances of the principle, that is alone in question in regard to continuity. But that "legations" were in force long before this time is quite certain. Bede mentions the legation of the Abbot John in the seventh century! And "in A.D. 787 two Papal legates, George and Theophylact, were sent into England by Hadrian the First to reform abuses which had crept into the English Church;" and of the *capitula* then drawn up, the legates say in their report to the Pope that the English "in humble submission and undisguised readiness . . . promised to obey in all particulars." The signatures of the bishops of both ecclesiastical provinces are affixed.¹

And the letter from which Professor Collins quotes, as though it proved the late introduction of "legations," was only one incident of a long struggle between Henry I. and the Popes, in which Henry maintained that, because the Archbishop of Canterbury was entitled to the authority of Papal legate within the kingdom, there was no need of special legates. It was not the repudiation of Papal authority, for that was held to be exercised through the Archbishop by reason of his legatine powers; nor did Henry venture altogether to refuse entrance to special legates. A succeeding Pope confirmed the Archbishop of Canterbury in his legatine authority; but he did not bind himself to send no more special legates, although he forbore to do so during Henry's reign. Consequently, the whole struggle does not in any way establish Professor Collins' thesis, that the Church of England was independent of the Apostolic See, nor even that there were no "legations" until the twelfth century.

Once more, Professor Collins gives three reasons why

¹ "The Alleged Antiquity of Anglicanism," by Rev. Sydney F. Smith, sec. 1, p. 85, who refers to Haddan and Stubbs' "Councils," p. 362.

“the claims made on behalf of the pallium” may be resisted. He is not quite correct as to the nature of those claims. It is *not* “true that the Roman Canon Law by inference seems not to allow a metropolitan to consecrate a bishop until he had it,” if by “Roman Canon Law” is meant that which obtained in the time of Gregory the Great, to whose words Professor Collins refers. It was enough to have applied for it, and to have had it promised. But let that pass. The Professor’s demurrer to our claims is based (1) on a passage from Fulbert of Chartres, of whom the Professor says, “no less a canonist than Fulbert,” as if Fulbert had written a book on Canon Law. If the passage, which, as it stands, is ambiguous,¹ really means what Professor Collins takes it to mean, it only establishes that one bishop, of high character, in the beginning of the eleventh century, said what is contradicted by the great body of canonists throughout the Church. We must remind Professor Collins that one swallow does not make a summer. The opinion of a single bishop would not decide the question for a Catholic. And certainly Professor Collins himself would not abide by the judgment of Fulbert on the subject of Papal Supremacy, for, in another letter, he gives the approbation of the Roman Pontiff as a necessary condition of Episcopal jurisdiction. And in the next letter but one he addresses Pope John as “Most beloved Father, to whom the care of the whole Church has been committed.”² Moreover, the letter from which Professor Collins quotes can hardly be considered a sufficient indication of Fulbert’s judgment, since, if the Professor had continued the letter, he would have had to tell his

¹ Professor Collins omits the word “ut,” which makes the sentence he quotes difficult to understand. Probably it should be “at.”

² Ep. 84, *ad Joannem Papam*.

readers that Fulbert says, "Some things *to be revered by us* are contained in the privileges of the Roman Church, which, *by reason of our negligence*, are not found in our archives." Clearly, therefore, on his own showing, Fulbert's judgment on this subject could not be considered final, nor indeed of great weight.

(2) Professor Collins' next reason can be disposed of in few words. It is that "no less an archbishop than Lanfranc consecrated Thomas of York in 1070, although he did not receive the pallium till the following year." But it was an express arrangement on the part of the Pope that the Archbishop of Canterbury should consecrate a bishop for York, and that York should do the same for Canterbury, immediately upon the decease of either. So that it is not a case in point.¹

(3) The third reason is concerned with the complaint of the Archbishops of Germany in 1786 about the expense of the pallium. This does not prove that the pallium was not the sign of jurisdiction, nor that if they had refused to receive it they would have remained within the Church.

In the next paragraph the Professor makes the following statement: "We know that Augustine and Theodore, Dunstan and Alphege, Lanfranc and Anselm never took this oath," *i.e.* "an oath of obedience to the Pope on receiving the pallium." It is proverbially difficult to prove a negative—in this case impossible. The oath became more full and express as time went on; but that, at any rate, Lanfranc and Anselm took an oath of obedience to the reigning Pope seems beyond doubt. For instance, Lanfranc of Canterbury, and Thomas of York, went to Rome together to receive the pallium. Did they take an oath of obedience? If we turn to

¹ Malmesbury, *Gesta Regum Angl.*, vol. ii. lib. iii. p. 351, *s.a.* 1072 (Rolls Series); and Bede, ii. 18.

Canon Raine's valuable "History of Four Archbishops of York," by Hugh the Chanter, we find Urban II., in a letter to Thomas of York, saying incidentally, "You, after having received the pall from the Apostolic See, after having sworn fealty, as is the custom for metropolitans."¹ It cannot be supposed that Lanfranc, who received the pallium at the same time as Thomas of York, did not also conform to this custom.² If Augustine and Theodore did not actually take an oath, they certainly understood that the pallium bound them to a special connection with the See of Peter. Neither they nor Dunstan can be conceived of as capable of *refusing* an oath, when it had become the custom to take it, which is the position of an Anglican bishop. As William of Malmesbury expresses it, Dunstan "arranged to go to Rome to receive the ensign of his primacy."³

Note.—A great deal is made of St. Dunstan's refusal to restore a man to the Sacraments, after a mandate from Rome in favour of the same. But we are told that bribery was used to corrupt some of the officials, so that the Pope had not the real case before him. St. Dunstan knew this well, and said, "When I shall have seen him doing penance for his fault, I will willingly obey the precepts of the lord Pope."⁴ There is not a tittle of disrespect for Papal authority in this. The Pope would have sanctioned such an interpretation of his command.

¹ "Historians of the Church of York," vol. ii. p. 103 (Rolls Series).

² Florence of Worcester tells us that Lanfranc was consecrated by two bishops who were ordained at Rome by Pope Nicholas, "for they avoided being ordained by Stigand, because they knew that he had not received the pallium canonically." Such was the tone of the English Episcopate.—*Flor. Wig. s.a.* 1070.

³ M., *Gesta Regum, sub anno.*

⁴ *Vita, auct. Eadm.*, "Memorials of Dunstan" (Rolls Series), p. 201.

There was no breach between Dunstan and Rome. His life, by the Saxon priest (anonymous), the earliest authority on the subject, makes him a most filial son of the Holy See. Eadmer's account of him, that the Roman Pontiff, "having delegated to him the legatine authority of the Apostolic See, appointed him pastor to the nation of the English,"¹ expresses a feature of his ministry which comes to the front again and again. John XIII. wrote to King Edgar, saying, "We concede by all means from this Apostolic See what your Excellency has laid before us through our brother and fellow-bishop Dunstan, sanctioning it by Apostolic authority."² And when the saint desired to expel certain loose-living canons, he did it "relying upon the authority of John, the Prelate of the Apostolic See."³

¹ *Vita*, "Memorials of Dunstan," p. 199.

² Jaffé, *Regesta Pontific.*, i. § 971.

³ *Vita, auct. Eadm.*, "Memorials of Dunstan," p. 211.

CHAPTER II

WILLIAM THE CONQUEROR'S REFUSAL TO DO HOMAGE TO THE POPE

§ *Introductory*

AT the Norman Conquest, says Bishop Creighton, "civil business was separated from ecclesiastical business, civil courts from ecclesiastical courts, and common law from canon law; but the King was over all; and William the Conqueror made answer to Pope Gregory VII., 'I will not do homage to you, because I do not find that my predecessors did so to your predecessors.'"¹

The subject of the paper read at the Norwich Church Congress in which these words occur, was, as we have said (*cf.* p. xiv.) "The Continuity of the Church of England in the Middle Ages." The professed object of the series of addresses of which this same paper formed a part, was to show that the present Anglican Establishment is in all essentials one with the Church of England from the times when Christianity was first planted here. Bishop Creighton undertook to show that there was nothing in the essential principles and doctrines of the Church of England of the Middle Ages which differed from the teaching of the present Anglican

¹ "The National Church in the Middle Ages," p. 2. By the Lord Bishop of Peterborough. A paper read at the Church Congress, Norwich, October 1895. The Church Defence Depôt, 30 Parliament Street, London, S.W.

Church, of which he is himself a member and esteemed official.

We must therefore understand his quotation of the Conqueror's words to suggest some repudiation of Papal Supremacy, or the quotation would be meaningless in the context in which it occurs. It is, anyhow, a matter of importance to show that William's words involved no sort of repudiation of that supremacy, for this is certainly the interpretation commonly put on these words by Anglican writers. Mr. Freeman thinks it a "truly English" utterance on the part of the Conqueror, comparing him to Tostig; and Dr. Stubbs, instead of dealing with the words himself in his "Constitutional History," refers to this passage in Freeman.¹ Mr. Nye, in his book, which is at present selling by thousands, and which was for some time circulated by the Church Defence Institute, under the superintendence of the Archbishop of Canterbury, states plainly that the Conqueror's answer to the Pope about homage "helps us to understand that, up to the time of the Norman invasion, the Pope had no jurisdiction over the Church or Crown of England." It would be unfair to suggest that Bishop Creighton would sanction such an unhistorical statement as this; but it is nevertheless evident that these words of the Conqueror are considered by him, as they are by Anglican historians in general, to bear some resemblance to the repudiation of Papal Supremacy in the sixteenth century, and to form a note of continuity with the present Anglican position.

It becomes important, therefore, to consider what

¹ Tostig, an English nobleman, having been robbed on his return from Rome, outside the city, asked how the Pope could expect his decrees to be obeyed in England if he could not protect a man from robbery near Rome. A truly Protestant kind of logic!

exactly these words do mean. And the first remark to be made is, that they do not occur alone, but in connection with something else in which the Conqueror acquiesced; that is to say, the Conqueror did not merely refuse homage, but he agreed to collect the arrears of Peter's pence. What, then, was the homage which he refused, and what were the Peter's pence which, in the same letter, he promised to pay?

§ 1. *Homage.*

To understand the whole question of homage in connection with the Papacy, it is necessary to bear in mind the peculiar and commanding position which the Papacy held amongst European states in the Middle Ages. When the barbarian hordes that had overrun the greater part of the Western Empire settled down within its precincts, Europe found herself in a state of general disturbance. Lesser powers, under such circumstances, naturally gathered themselves under the shelter of greater, and sought to maintain their own lesser sovereignty by means of the protection of *overlords*. The lesser power paid a tax to the greater as a symbol of the protection which it could claim; for without the protection of something beyond itself it had no chance of existence. Thus the feudal system naturally covered the greater part of Europe.

But there was one power which, in the general belief of Christendom, was invested with an authority beyond the rest—an authority which extended to the other world, and whose decision on certain matters affected men's everlasting future. It was a power which men recognised as acting, on the whole, on principles which lay at the root of social stability—the principles of justice and

clemency. Consequently, in the midst of a society governed, like that of Europe, by the feudal system, this centre of moral and spiritual influence—called universally “the Apostolic See,” or “the Holy See”—naturally took its place amongst the “protectors” of European institutions, and it often became in the temporal order what it was so suited to become—an *overlord*. It was the one stable thing amongst the shifting social clusters or precarious centres of rule which appeared and disappeared as the passing characters of a play on the stage of human affairs.¹

And when, in the end of the ninth century, the Carolingian dynasty was found wanting—that is to say, when the centre of overlordship and protection had given way—those who looked for a means of imparting permanence to the civil or religious institutions which they had brought into being, or those who were endeavouring to secure the continuance of such, and found themselves without a rock on which to stay their feet, naturally turned to the one power which contained within it the promise and potency of permanent existence. It had been there, in the providence of God, to save and to build up afresh the conflicting elements of European society in the days of a Nicolas and John VIII. ; and it was here, towards the middle of the eleventh and twelfth centuries, to conserve what had been gradually built up with its own assistance.

Monasteries naturally led the way in seeking the protection of the Holy See. Their founders felt that in such protection alone lay any hope of permanence for these institutions. They needed protection, first and

¹ We find, however, that the feudal terms as applied to the relationship of powers to the Holy See were used in a looser sense. The analogy cannot always be pressed. Cf. Hergenrother, “Church and State,” Essay xiii.

foremost, from lay interference ; but they needed it also from simoniacal bishops, the harpies, in those days, of purely diocesan institutions. The Episcopate was never meant to rule the Church apart from the Apostolic See. The overlordship of the Holy See was, of course, liable to abuse, and it is impossible to deny that "exemptions" from episcopal jurisdiction led at times to serious evil. But the normal "protection" given by the Holy See to monasteries and other institutions did not involve their withdrawal from episcopal jurisdiction ; it chiefly safeguarded the freedom of election to the post of ruler. An overlord was a *protector*. In Roman jurisdiction, which most frequently governed the relations of these institutions to the Holy See, he had no right of *use* ; he had no power of alienation ; he was the advocate of the institution, not its immediate lord ; its patron, not its direct proprietor.

But it was not monasteries alone that sought the "protection" and assured advocacy of the See of Rome. Cities and kingdoms did the same. When they first appeared in the midst of conflicting states, and had made good their right to take their place amongst existing societies—or when they were in danger of being rudely exterminated by a neighbouring power possessed with the lust of dominion, they would seek to secure their existence by placing themselves under the protection of the Holy See. Thus the Isle of Man maintained its independence by becoming the vassal of the Pope.

In this way the Papacy found itself gradually invested with a new power, over and above its position of supreme arbiter of all that immediately concerned the integrity of the faith—a power only accidentally connected with its spiritual magistracy ; but it was the universal belief in its supremacy over all Churches which underlay the centripetal movement of the nations to the Holy See.

It was as the See of Peter that it acquired and exercised its accessory lordship in the temporal order. The idea which runs through the juridical documents of those centuries is, that in placing themselves under the "protection" of the Holy See they were placing themselves under the protection of the Apostle Peter. Hence men placed documents on the tomb of the Apostles in the Eternal City, "commending" themselves, in legal phrase; and this was often considered a sufficiently formal declaration of the new tie contracted between themselves and the Apostle, whose successor was bound to give in the hour of need that "protection" which they desired to secure.

And this right to protection was asserted on the one side, and acknowledged on the other, by the payment of a tax, which symbolised the relation of protection, patronage, and advocacy on the part of the greater power to the lesser. The tax might be small and merely symbolical, or it might take the shape of an acknowledgment of the duty of special service in return for the protection promised. But it might also take the shape of an act of homage, whereby the person became the *homo* (or man) of the other; and he who performed the act of homage was bound, in most cases, to special forms of service, such as supplying a military contingency in case of war.

It will thus be seen that a distinction must be drawn between the act of homage performed to an overlord, and a tax paid in the way of claim to protection, and as a symbol of the consecration of authority by a special relationship contracted with the Apostle Peter. The act of homage was not by any means an inseparable accompaniment of a certain amount of fealty: a looser tie might exist, but still a real relationship; just as Philip I. of France did away with the homage of bishops, but exacted an oath of fealty.

We are now in a fair way to settle the meaning of William's words to Pope Gregory VII., in which he admitted the obligation of the tax, but refused to render homage.

But, before passing to this, it will be well to point out that the rights of the See of Peter either to homage or to pecuniary remittances did not originate in any clutching after power on her part. It was not her fault that Christendom at large believed in her as the See of Peter, or that a general conviction of her sense of justice pervaded the nations; it was not her doing that men sought her "protection." If they called her the Holy Apostolic See, this was not her own creation; it was their own religion that thus expressed itself. Through Christendom men recognised that, if she did not always act in the most perfect way in dealing with the temporal interests that clustered round her throne, she had no patent of infallibility in such matters. It was no part of their faith, as it is no part of ours, that her occupant could not err in some regions of action. But that she displayed, on the whole, an amount of justice and a power of dealing with distant details, which was peculiar to her, was recognised by all, and will be admitted to this hour by those who consult history rather than prejudice. Had the Holy See been always occupied as in part of the tenth century, she must, one would suppose, have gone the way of merely human institutions; but in the eleventh century, with which we are now concerned, she was destined to have a Leo IX. to carry on the traditions of a Nicolas the Great and of a John VIII., and at the particular time in that century with which we have to do she was presided over by a Gregory VII. This latter Pope, amongst other gigantic works, reorganised the finances of the Holy See. He saved the archives from utter destruction, and

reduced a financial chaos to something like order. And it was with him that William the Conqueror had to do. He it was who, after the Conqueror had been a few years on the throne, ordered him to send the arrears of Peter's pence, and whose legate suggested that in his new position he should bind himself by a special tie to the Holy See.

It may well be that Gregory, in proposing to the Conqueror that he should accept the special protection of the Holy See by doing homage, relied on the statement of Alexander II., who had said that England had been always under the "hand and guardianship (*manu et tutela*) of the Prince of Apostles." He must also have been aware of the declarations of such kings of portions of England as Offa and Ina; and of the expressions used by Ethelwulf in the name of the western portion of England, and again in more recent times by King Knut in the name of the whole of England.¹

The Conqueror, however, disputed the historical fact, and refused to regard his newly acquired kingdom as being in need of entering upon the condition, honourable as it was considered in those times, of such vassalage as was expressed by the act of homage. Whether he was wise or not in this refusal is not the question; but he was within his rights, regarded merely as a spiritual subject of the Pontiff, and this Pope Gregory himself admitted.² William's act had no reference to the spiritual supremacy of the Pope. That, indeed, was no matter of dispute

¹ The Bishop of Stepney's account of this matter ("Ch. Hist. Soc. Lect.," p. 89) is most inaccurate. He thinks that Gregory VII. claimed, under cover of the Donation of Constantine, "the ownership of all the islands of the West." *Ownership* was not in question: it was not included in *protection*, and the act of homage did not involve it.

² Epp., lib. ix. ep. 5, *ad Hugonem Diensem Episc.*, Migne, vol. 148, p. 610.

with him, nor (so far as the record goes) with any single member of the Church in England. The overlordship of the Holy See, that accessory and accidental relationship of patronage and protection of the kingdom in its temporal aspect, was perfectly distinct from Papal Supremacy in the ecclesiastical sense, although it naturally flowed from it under certain circumstances. And the refusal to do homage was therefore no infringement of the rights and submission due to the Pope in matters spiritual, and ought never to have been imported into this question of "continuity." William the Conqueror was careful to emphasise the fact that he was in no way denying Papal Supremacy, for in the end of the letter in which he refused his "homage," but promised to pay up the arrears of Peter's pence, he went out of his way to assure the Pope, not only of his continued affection, but of his determination to "listen with obedience" to his Holiness—*i.e.* in all spiritual matters (*obedienter audire*—*cf.* "hear the Church," Matt. xviii. 17).

And this distinction must be borne in mind in dealing with the opposition raised against Papal exactions throughout the Middle Ages, at any rate in England. It was not antagonism to the supremacy of the See of Peter so much as opposition to its exercise, or, at least, to the exercise of any "overlordship," in the temporal sphere. I do not say that William the Conqueror (who was no hero in the moral order) did not extend his action in ecclesiastical matters beyond the legitimate confines of royal power, for he certainly did; but he was no Protestant in the sense of disavowing the See of Peter as the divinely ordained centre of unity and source of jurisdiction. And it is on this that the whole question of continuity hinges; and the Conqueror's action in refusing homage, as though the Holy See stood, or was in future to stand, *in the temporal order*, in the position

of "overlord" to the kingdom of England, did not raise, and was not meant to raise, the question of the supreme power of the See of Peter over all Churches, that of England included.

William the Conqueror did, indeed, introduce the tyrannical custom¹ of admitting or forbidding at his own royal pleasure, not legates, but legates *a latere*, from Rome; but he never dreamt of certain ecclesiastical matters being settled without the authority of Rome, and that by means of legates; and the Archbishop of Canterbury was invested with legatine power *in perpetuum*.² He did not count his crown to have been properly placed on his head until it had been set there, not merely by the Archbishop of York, whom he rightly selected instead of Stigand, but also, by way of confirmation, by the Papal legate; and he had already,³ before the question of homage came on, invited the legate to hold a council at Winchester, in which it was said that "the Church of Rome has the right of supervision over all Churches." He allowed the Papal legate to depose Stigand from the Archbishopric of Canterbury, just as even William Rufus looked to a legate to depose Anselm from the same See—Canterbury being considered to have no superior in ecclesiastical matters except the See of

¹ *i.e.* Tyrannical as regarded his own people, who were not consulted on the matter. See Wilkins' dedication of his *magnum opus* to George II., for his judgment on the innovating character of William's measures in this respect (*Concil.*, p. iv.).

² For the appointment of Lanfranc by Pope Alexander II. as his plenipotentiary in England, *cf.* Wilkins' *Concil.*, i. 326.

³ *i.e.* in A.D. 1070. Gregory's letter is generally dated 1074. Mr. Nye, speaking of 1066, says that "the Pope at once (*sic*) urged the Conqueror to pay homage to the Church (*sic*) of Rome." Eight years elapsed; and the homage was not what Mr. Nye imagines.

Peter. Lanfranc of Canterbury and Thomas of York were permitted to go to Rome to receive the pall.

The sum of the matter so far is this. The Conqueror's refusal to do homage to the Pope concerned the question of a *special* relation to the Holy See on the part of the *kingdom*, of which relation William denied the previous existence and present advisability. It was no sort of protest against the supremacy of St. Peter's See over all the *Churches*.

§ 2. *Peter's Pence.*

Having shown that the Conqueror's refusal to do homage to the Pope carried with it no sort of repudiation of Papal Supremacy in matters spiritual, we will now ask the question, What did William admit by the payment of Peter's pence?

That the payment of this tax outside of England indicated, in the second half of the eleventh century, the recognition of a certain consecration of the royal authority to the Prince of the Apostles—a kind of overlordship tendered to the Apostolic See—is beyond doubt.¹ It was the token of a special relation to him and to his See, such as, for instance, would secure protection in case of absence on the Crusades. The burden of proof that it was otherwise understood by the English at that time lies with those who deny this.

There can, however, be no question that in England it was also connected from the earliest times with the need of maintaining the School, and the other institutions which gathered round the School, of those Saxons who

¹ See an admirable "study" on the *Liber Censuum*, by M. Paul Fabre, in the *Bibliothèque des Ecoles Françaises d'Athènes et de Rome*, Fasc., 62; Paris, 1892; to which I am indebted for some of the materials for this chapter.

went to study or reside at Rome. So close was the tie between Rome and England in those early days; so eager was the Saxon mind to reap the advantages of study at the mother-See of Christendom, and of residing at times close to the tomb of the Apostle Peter—whence came, according to their belief, the jurisdiction of their bishops—that a cluster of Saxon institutions grew up in the city of Rome. And Ina, King of Wessex, and Offa, King of Mercia, both taxed their people for the maintenance of this Saxon School in the Eternal City. Our authority for the first is Matthew Paris,¹ and for the second, Henry of Huntingdon,² and others who have copied from him. The tax was at first levied on each family, and accordingly differed in amount.

But it is equally certain that, as time went on, if not, indeed, from the first, this was not the only object of the Peter's pence. For, in the ninth century, Ethelwulf, we are told, "offered to God and to Saint Peter an annual tax of a penny, to be paid by each house in England; this tax is known now," says the writer, "under the name of Peter's pence."³ And this tax was in the time of Ethelwulf's son, Alfred the Great, a fixed due—part for keeping up the light in the basilicas of St. Peter and St. Paul, and part for the privy purse of the Pope. We are here on the firmest possible ground, for our authority is Asserius, the contemporary of Alfred,⁴ and Florence of Worcester.⁵ And in the end of the ninth century we meet with mentions, in the "Anglo-Saxon Chronicle," of the "alms of the West Saxons and of King Alfred" being sent to Rome.⁶ And so, again,

¹ Vol. i. p. 331; ed. Luard (Rolls Series).

² *Mon. Hist. Brit.*, p. 730, A.; ed. Petrie and Sharpe.

³ William of Malmesbury, *Gesta Regum*, ii. 2.

⁴ "Life of Alfred," *Mon. Hist. Brit.*, p. 472.

⁵ *Mon. Hist. Brit.*, p. 552.

⁶ "Anglo-Saxon Chron.," p. 68; ed. Thorpe.

the Chronicle of Ethelwerd draws a distinction between the alms of the people and the alms of the King. Archbishop Phlegmund (A.D. 908) took "alms on behalf of the people to Rome, and from Edward on behalf of the King," *i.e.* as being due from him as King and successor of Ethelwulf.¹ Obviously, by this time, there was a tax on the people for the support of the Saxon School at Rome, inaugurated by Ina of Wessex and Offa of Mercia, and also a fixed charge on the Royal Exchequer, dating from the time of Ethelwulf, in regard to a portion of England, and adopted by the whole country when under a single ruler. There is an important entry in the Black Book of the Archdeacon of Canterbury, in which Peter's pence is traced to this latter origin alone.²

And if we look a little further into the matter, we shall see an indication of the idea that underlay this latter tribute in the account given of it by the contemporary writer already quoted. Asser says that when Ethelwulf sent young Alfred, his favourite son, to Rome, Leo IV. in a way adopted him as his spiritual child, and gave him the royal unction. King Ethelwulf then went himself to Rome and engaged to send an annual sum to the Apostle Peter in the person of his successor.³

One can hardly avoid seeing in this a certain consecration of his kingdom to the Prince of the Apostles, and an instance of what was known as the "commendation" of person or property to an overlord.

¹ *Mon. Hist. Brit.*, p. 517, C.

² In fol. 20b there is a statement as to the origin of Peter's pence. Adelphus (Ethelwulf), father of King Alfred, granted to Rome 300 mancuses: 100 towards the honour of St. Peter, for the lights of the church there; 100 for the like honour of St. Paul; and 100 for the Pope Universal, "to amplify his arms."

³ *Mon. Hist. Brit.*, p. 470, A.; ed. Petrie and Sharpe.

These two forms of tax blended in the following century, and were collected all over the kingdom, as appears from the laws of Edward and Edgar ;¹ and the net result was applied to the twofold purpose of the Saxon School at Rome and the support of the Holy See. But the term Peter's pence soon came to signify in England, as elsewhere, the special consecration of the kingdom to the Apostle Peter. The letter of King Knut to his people in 1031 speaks of it as "what we owe to Saint Peter."² And more than thirty years later a letter of Pope Alexander II. speaks of the English as sending "an annual pension to the Apostolic See, of which part was paid over to the Roman Pontiff, part to the Church of St. Mary, which is called the Angles' School."

So that Pope Gregory VII. had some ground for supposing that England had united herself, as a kingdom, in a special way to the See of Peter, and for thinking that William of Normandy might well be recommended to swear fealty by the act of homage. But William as he looked round about saw himself quite safe by this time from enemies outside his island home, and felt no need of "protection"; but on the other hand he was Christian enough in his belief to recognise the value of the consecration of authority, which was symbolised by the payment of Peter-pence. Accordingly, whilst he declined the special relationship implied in the act of homage, he agreed in the same letter to pay up the arrears of Peter-pence.

¹ "Anc. Laws and Inst. of Eng.," *Public Rec.*, 1840, p. 73.

² *Flor. Wigorn.*; *Mon. Hist. Brit.*, p. 597.

CHAPTER III

THE WITNESS OF ST. ANSELM

§ 1. *Bishop Creighton's Argument*

IF there is one saint in the calendar who has hitherto been, more than others, looked upon as a typical English Churchman, that saint is the great Archbishop of Canterbury who resisted William Rufus. But, as already noticed,¹ Bishop Creighton takes the Baronage of England, and not St. Anselm, as the true representatives of the Church of England. The barons, in spite of their Norman origin, had, according to our author, quickly learnt their lesson, and, influenced by the "atmosphere of their island home," had come to feel that both "he [Anselm] and the King alike were bound to maintain the customs of the realm, and settle their disputes by reference to them alone." "They said," when refusing to support the Archbishop in carrying his appeal to Rome, "that it was contrary to the customs of the realm which he had sworn to observe."² Their action is accordingly adduced as an instance of how the Church admitted Papal jurisdiction on grounds of utility, but not as an essential part of the system. "The barons supported him in withstanding royal tyranny; but they refused to support him in carrying his appeal to Rome" (*ibid.*).

¹ *Cf. supra*, p. 1.

² "The National Church in the Middle Ages," by Bishop Creighton, p. 3.

We have already seen that the customs of the realm, to which allusion is here made, were not ancient, but innovations on the old English ways, introduced by the Conqueror. St. Anselm was really making a stand for old English customs. The "atmosphere of our island home" was favourable to the closest relation of subordination to Rome until William the Conqueror attempted to restrict the Archbishop's intercourse with Rome.¹ We shall now see that Bishop Creighton has misinterpreted the situation in the rest of his account. The fact is, that the barons supported St. Anselm when he was opposing the King on the question of obedience to the See of Peter in spiritual matters; that they refused to support him, and that only for a while, on a side issue; and that they afterwards, in the matter of investiture, strongly recommended an appeal to Rome. I may add that neither these barons nor that King, with whom Bishop Creighton considers himself in continuity, were favourable specimens of humanity; and if the barons have to be placed on our side and not on his, it is not because we value their support, but because we are unable to admit that, if we consult history, even their support can be claimed by the Bishop of Peterborough and his co-religionists.

But if we do not value highly the opinion of the barons, we certainly prize the judgment of the Archbishop. And the enthusiastic admiration in the Church of England, for so many centuries, for the names of Anselm and à Becket shows what *she* thought of the Conqueror's "customs." She invoked their names in

¹ Cf. Wilkins' *Concilia*, Dedication to George II., p. iv. Wilkins was an Anglican canon and archdeacon, to whom we owe an immense debt of gratitude for having preserved several Acts of Convocation, and collected, in his three invaluable volumes, numerous *data* for English Ecclesiastical History.

prayer, and kept their festivals sacred by masses, and the shrine of St. Thomas became the glory of the mother Church of Canterbury. But these saints were hallowed in the eyes of the Church of England for their loyalty to the Holy See and their opposition to the "customs" of the Norman conquerors. The Church of England did not teach that St. Thomas and St. Anselm acted up to their conscience, but were mistaken in their loyalty to the Holy See: there is no trace of such a thought in her literature.¹ The struggle of Anselm with the licentious despot to whom he owed obedience in temporal matters, and who overstepped his rights in the spiritual sphere, lived in that literature as the one bright star in that night of tyranny.

§ 2. *The General Situation.*

That struggle, as we have said, centred round the new "customs" of the Conqueror. Hitherto English archbishops had gone to Rome to receive the pallium as a matter of course, and Papal briefs were not subject to royal inspection before being delivered to the archbishop. But now, when the new dynasty began, Lanfranc at once had difficulties about going to Rome. His letters show his readiness to render all canonical obedience to the Apostolic See, but also what difficulties he had in dealing with the despotic nature of the rough Conqueror. He would have been glad to have had the pallium sent, and so avoid the new jealousy of the Norman as to visits to Rome. He was impeded in his desire to pay his proper visits to the "threshold of the Apostles," and he was obliged to plead that his service should be limited to what would be strictly and absolutely necessary to

¹ Dean Church, in his "Life of St. Anselm," thus quite arbitrarily explains the regard felt for Anselm.

satisfy the Canons.¹ If we are to take his words simply as they stand, they breathe no spirit of personal reluctance, but proceed on the assumption that things which were not necessary might be laid aside "for the present distress." He wished for a dispensation from what he took to be the accidents of his relation to the See of Peter. He had found himself in unexpected difficulty, for the King had introduced the innovation that no archbishop should leave the shores of England without his leave, that no claimant to the Papal throne should be recognised without his consent, and that no Papal brief should enter England without being subjected to his inspection.² In the latter point St. Anselm resisted the new "custom" throughout; but in the first point he was at the King's mercy. Moreover, he had made himself in temporal matters the King's "man"; he had performed homage, and taken the oath of fealty, and as a baron he was unable to leave England without royal sanction.³ But there were cases in which the King was clearly bound by canon law to give his leave to an archbishop; and it was here that the conflict arose.⁴

It will be seen, therefore, that the customs of the old

¹ Lanfranc felt that he could himself do by the Pope's authority all that was necessary; what was advisable, but not of necessity, could wait for better times. Gregory VII. had written to the King, making Lanfranc his plenipotentiary.

² Bishop Stubbs says, "The arrangement is described by the faithful historian Eadmer as a novelty" (*Const. Hist.*, i. ix. 324).

³ This is an important point. It was on this ground that the barons for a while seconded the King's tyrannical application of his rule.

⁴ It must be carefully borne in mind that the word "customs" has nothing to do with antiquity. Grosseteste speaks of two successive acts creating a custom; and our English word to this day, used, for instance, in reference to taxes, has nothing to do with antiquity—it simply means dues, however recently created.

English Church were in jeopardy in presence of the innovations of the Conqueror. We have already seen that Bishop Creighton's expressions as to the "atmosphere of our island home" are altogether misleading. What the barons would derive from that atmosphere would be dependence on Rome, not the idea of disputes being necessarily and finally settled where they arose. It is always better if they can be thus settled; but when they cannot, the idea in our "island home" was that they should be told unto "the Church"; and the Church, in the judgment of old England, sat in her supreme chair of judgment at Rome. But William Rufus was intent on taking a page out of the German Emperor's book; and the Norman barons, though on the whole they settled down to English uses, were, in this matter of Germanising the English Church, not wholly proof against the pressure of the Red King. It would not, however, be correct to say *simply*, as Bishop Creighton does, that they supported the King against St. Anselm in the question of appeals to Rome. They gave a temporary support to their ruffian-master William, but it was only temporary.

§ 3. *St. Anselm and the Pallium.*

St. Anselm, after having been consecrated, much against his wish, to the Archiepiscopal See, and having allowed some months to elapse, announced his desire to go to Rome, according to English custom, in order to receive the pall. The Red King objected. He had not yet recognised Urban II., to whom the Archbishop proposed to go, as the legitimate successor of St. Peter; and he seemed in no hurry to acknowledge any one as Pope.¹

The German Emperor had assumed the right to say

¹ It lay in the King's power, if this new custom were admitted, to delay the acknowledgment of a Pope indefinitely. Urban had been Pope for six years.

which Pope he would recognise in his dominions; and from one or two expressions in Eadmer's account it is evident that the Red King was proposing to play the Emperor in England. St. Anselm, however, had given notice to the King, before consecration, that at Bec he had already placed himself under obedience to Urban II., and that he should not withdraw that obedience. The quarrel then turned on the King's right to determine which was legitimate Pope, and to keep the Archbishop waiting until he had come to a decision on the matter. In the course, however, of the friction which ensued, the whole question of the relation of the two authorities, Pope and King, came to the front. The matter was reduced to the plain issue as to whether loyalty to the King could be reconciled with obedience to the See of Peter. Was there a region of action in which the Pope was supreme, and in which, therefore, the King had no right to hamper the obedience of the Archbishop? Was not the reception of the pallium at Rome a case in point, in which no archbishop could be rightly hindered from applying for that symbol of jurisdiction in person, or at least explaining to the Pope why he did not apply?¹ Had the new customs of the Conqueror and his son, William Rufus, any sufficient authority to interfere with old English ways? St. Anselm, who proved to know English habits well, became the representative of these; whilst the King and his simoniacal bishops, imported from abroad, took their stand on the new "customs." When Bishop Creighton says that the barons supported the King on the ground that St. Anselm and his royal master "alike were bound to maintain the customs of the realm" (p. 3), he appears to suggest that they were

¹ St. Anselm's letter to the Bishop of Lyons should be consulted on this subject. He therein gives his object in going to Rome (Ep., lib. iii. 24).

venerable customs, and to ignore the fact that the King called them simply "his own and his father's" customs, and the barons called them the same. They were not appealing to the older customs of the English, but to innovations of foreign importation, un-English, contrary to the immemorial usages of the early English Church. But even so, they did not go the length of laying down the principle that the King could altogether prohibit the Archbishop's access to the Apostolic See. Neither King, nor bishops, nor barons, went so far as to maintain that under all circumstances the King and Archbishop "were bound to maintain the customs of the realm, and settle their disputes by reference to them alone," as Bishop Creighton puts the case. Apart from all the past history of the nation (of which probably St. Anselm alone amongst them had any real knowledge, considering the character of the King and these uneducated barons), the Council of London, under Lanfranc, had spoken of the Council of Sardica as an authority,¹ and that Council distinctly provided for appeals from bishops to the Apostolic See; and Lanfranc, within the last few years, had taught that he came to England "compelled by King William [the Conqueror], and ordered by Pope Alexander,"² and had asked the Pope to allow him to return to his cenobitic life "by the same authority as that by which he accepted the archbishopric, *i.e.* by the authority of the Apostolic See."³ And, in obedience to the same authority, he had visited Rome with leave reluctantly wrung from the Conqueror.

Anselm therefore insisted upon being confronted with the question as to whether the King could lawfully hinder him as a baron of the realm from going to Rome to

¹ Mansi, xx. 451.

² "Winchester Chronicle," Appendix.

³ Ep. i. 19; ed. Giles.

receive the pallium from the Pope, whom he had already recognised; insisted, in strict accordance with English usage, on referring the question to the proper tribunal in the first instance, viz., the nation as a whole, as represented by bishops and barons and knights in council assembled. The Archbishop brought the question before this tribunal in the following shape: Was it a constitutional principle that loyalty to the King and obedience to the See of Peter were incompatible; the discussion of the point having been forced upon him by the King's refusal, in deference to what he called his own and his father's custom (and thus far only a custom of the realm), to allow the Archbishop to go for the pallium in person, or advise the Pope why he had not come—the refusal being grounded on the plea that the King had not yet recognised the particular Pope under whose obedience Anselm had placed himself before his consecration?¹

At the Council which was now convened at Rockingham, Anselm laid down the following principle in presence of the bishops: after quoting the "*Tu es Petrus*" (Thou art Peter, &c.), and "He that heareth you, heareth Me," he continued: "These words, as we have received them as having been spoken principally to Blessed Peter, and in him to the other Apostles, so we hold them to have been spoken principally to the Vicar of Blessed Peter, and through him to the other bishops, who act in place of the Apostles; not to any emperor, or king, or duke, or count." And later on, at the same Council, he made the challenge, "Let him who, because I will not renounce obedience to the supreme Pontiff of the holy

¹ The narratives in Eadmer's *Historia* and in his "Life of Anselm" should be read together with the letter to the Bishop of Lyons already mentioned (Ep., lib. iii. 24), and it will appear beyond contradiction that this was the exact state of the question.

Roman Church, would convict me of violating the sworn fealty which I owe to the earthly king, stand forth, and in the name of the Lord he will find me ready to answer him as and where I ought."¹ The barons were non-plussed, knowing, as the contemporary historian says, that an Archbishop of Canterbury could be judged by none but the Pope. The whole multitude was with Anselm. And a knight came forward and knelt before him, and bade him be of good cheer and "remember blessed Job conquering the devil on the dunghill, and avenging Adam who had fallen in Paradise"—*i.e.* reflect that, though he seemed trampled on, he was the real conqueror. The whole assembly murmured applause. Further, when his great episcopal opponent, William of Durham, had to face the Red King's fury on hearing of Anselm's courage, he recommended his royal master to take the crozier and ring from Anselm by mere force; for on the ground of reason he said there was nothing to be done, "since all his [Anselm's] reasoning rests on the words of God and the authority of Peter." But whilst bishops—the meanest of men in the days of William Rufus—could stoop thus low, the barons could not. And this is where they "supported Anselm in withstanding royal tyranny," as Bishop Creighton puts it;² that is to say, they supported him in withstanding the King when the King was all but persuaded into depriving the Archbishop of his crozier and ring, because he insisted on recognising the jurisdiction of the See of Peter over the See of Canterbury, whether the King chose to recognise the occupant of the Apostolic See or no.

¹ Eadmer, *Hist. Nov.*, *sub anno* 1095.

² "The barons supported him [Anselm] in withstanding royal tyranny, but they refused to support him in carrying his appeal to Rome" (*N. Ch.*, p. 3).

And now the question arises, Could such a jurisdiction, traceable to our Lord's own words, exist without some right of appeal to it?—in other words, Can this action of the barons be considered as excluding appeals to Rome, as Bishop Creighton's antithesis implies? Did they not, by their support of Anselm, give their suffrage in favour of a jurisdiction which necessarily involved appeals to the Apostolic See? Indeed, we may ask another question, Did the King himself, thoroughly bad as he was, feel that he was in a country in which all jurisdiction of the Apostolic See over the See of Canterbury could be dispensed with and treated as null and void? It is certain that the King had no such idea, any more than the barons; for the King at this very time was secretly negotiating submission to Pope Urban, and asking for the pallium to be sent to himself, so that he might give it to whomever he pleased. He had no idea of dispensing with that instrument of jurisdiction from Rome; he had no idea of an independent Canterbury in matters spiritual; his only idea was to impede the exercise of Papal jurisdiction so far as it stood in the way of his course of sacrilege, licentiousness, and ruffianism. He now, in hopes, it would seem, of injuring Anselm, ordered that Urban should be recognised as the legitimate *Apostolicus* (*pro Apostolico haberi*) or Vicar of the Apostle Peter.¹ No one dreamt of an Apostolic government of the Church being carried on in permanent separation from the *Apostolicus*, although William Rufus did his best to rob him of such powers as would interfere with his own sinful life. He now endeavoured to induce the legate, who came with the pallium, to exercise the power which the Pope alone possessed, of deposing the Archbishop. He

¹ Eadmer, *Hist. Nov.*, *sub anno* 1095; ed. Luard, p. 69.

asked him to do it "with the authority of the Roman Pontiff,"¹ but in vain; the legate had no commission from the Roman Pontiff for that purpose.²

Here, then, in the action of William Rufus we have indeed an instance of the Papal jurisdiction being treated as a matter of utility only. But the Red King did not represent the Church of England; indeed, he could only regard Papal jurisdiction as of any possible utility to himself, because it was accepted throughout England as a matter of faith. Bishops and barons had revealed their conviction that, whilst Canterbury was the mother Church of England, the mother of Canterbury was Rome, the mother and mistress of all Churches, and that there was no power in England itself whereby to depose an Archbishop of Canterbury, except the physical power whereby the crozier and ring could be taken from his hands. But the barons would not stand by the King in such tyranny as this, and accordingly the tyrant turned to the only power that England recognised as the ecclesiastical superior of the Archbishop of Canterbury, namely, the Pope. But the Papal legate had not come from Rome to execute the whims of a sensual despot.

§ 4. *Anselm goes to Rome.*

The second incident to which Bishop Creighton refers occurred after St. Anselm was in possession of the pallium, which the legate, refusing to give it into the hands of the King, lest his royal supremacy in such matters should seem to be established, had placed on the high altar of Canterbury Cathedral, whence Anselm

¹ Eadmer, *loc. cit.*

² This, and not (as Mr. Lane, in defiance of the record, puts it) because the Pope could not do it, was the reason why the legate refused ("Ill. Notes on Church History," p. 161).

took it, and thus established his continuity with all previous archbishops.

Religious matters in England went from worse to worse under the tyranny of the Red King. The life of the Church was at a standstill; no synod had been held during the reign, and the Church could not live true to herself without synodical action; a form of unnatural sensual indulgence had enormously developed in the country;¹ simony reigned rampant, and the King invented every conceivable means of despoiling the Church. He was now proposing to sue Anselm for the inadequate character, as he deemed it, of the military contingency provided by the Archbishop for the war in Wales. St. Anselm felt that the only thing to be done was to take counsel of the common "Father of the Christian people," as St. Augustine called Pope Melchiades.²

But no baron could leave the shores without the King's leave, and, according to the new customs of the realm, this applied specially to the Archbishop. For the Baronage was the King's council, and the Archbishop, who was also baron, was by law the King's spiritual adviser. At the same time there were cases in which it was clearly understood that the King could not, without some urgent reason, if at all, refuse his leave to the Archbishop.³ Now Anselm desired the counsel of the Pope on the whole state of things, and demanded that he should be allowed to have recourse to his spiritual

¹ Anselm, lib. iii., ep. 62. The many decrees in regard to wearing the hair, which Dean Hook ridicules, through not understanding them, had to do with the efforts of the Church to suppress the unnatural vices which now come under the criminal law. For a short account of these "*effeminati*," see Lingard's "Henry I.," cap. 1.

² Ep. 43, al. 162.

³ This appears from what William Rufus said as to there being no *sufficient* reason for Anselm going to Rome—sufficient, that is, to the mind of the Red King

superior. The King refused; but Anselm persisted, on the ground that his approach to the Holy See was needful (1) for the good of his own soul, (2) the cause of Christianity, and (3) he added, "of the King's own honour and advantage, if he would believe it." He consulted the bishops as to this his right, begging them to assist him. Their answer is noteworthy. They said that they were simply afraid of the King. They had their relations and possessions to look after, and could not afford to incur the King's anger. They said they could not soar to the unworldly heights on which St. Anselm dwelt.

All these bishops, as Freeman shows, had bought themselves into their sees,¹ and hence their contemptible servility. "So low," says the same historian, "had the prelacy of England fallen under the administration of Rufus and Flambard. Neither as priests of God, nor as Witan of the realm, nor simply as freemen of the land, was there any strength or counsel in them. Their answer seems almost to imply that they cast aside the common decencies, not only of prelates, but of Christian men."²

Anselm, however, insisted on his right (which indeed flowed from the mere fact that he wore the pallium) of access to the Holy Father. He went and placed himself by the King's side, where he had a right to sit, and expostulated. He told the King that he had only promised to obey him *secundum Deum* (according to the will of God), and saving the supremacy of conscience (*per rectitudinem*). But the King said there was no mention of this. Anselm, not caring to insist on its express mention, said that at the very least this was implied. The King shook his head, and the barons

¹ "The Reign of William Rufus," i. 348.

² *Ibid.* p. 495.

joined in with their assent. Anselm went on, "What you assert not to be in accordance with your custom"¹—notice that expression—"viz., that I should seek (*requiram*) Blessed Peter and his Vicar for the sake of my soul's safety, for the sake of the government of the Church of God, which I have undertaken—I pronounce this custom to be contrary to God and uprightness, and therefore not only not to be kept, but I avow that it ought to be altogether spurned by every servant of God." After more in the same strain, he said, "The fealty which I owe to God and His service, compels me to approach the Pope, the head of Christianity, and to seek counsel from him." Here the King and Count Robert interrupted the Archbishop, saying that he was "preaching a sermon," and with this the barons agreed. But Anselm did not cease until he had said plainly, "To swear this [*i.e.* not to approach Blessed Peter and his Vicar] is to abjure Blessed Peter. And he who abjures Peter, abjures Christ, who made him head (*principem*) over His Church."²

After this, neither King nor barons prevented his going. As he left the chamber, a messenger from the King followed him, and said, "Behold, you will go," but he was to take nothing with him that belonged to the King. Then orders were given for his departure, difficulties were to be placed in his way, but he was not to be actually prevented from going. But before setting out, the great Archbishop went into the ferocious despot's presence, and claimed to give him his blessing; the King bent his head, and he and Anselm never met again in this world.

¹ *Consuetudinis tuæ.*

² Eadmer, *Hist. Nov. Angl.*, *sub anno*, 1097; ed. Luard, p. 86.

§ 5. *Bishop Creighton's Deductions Examined.*

The inconsistency, then, of these barons was not (as Bishop Creighton interprets it) an intellectual flaw, but a moral fault. It did not (as he asserts) consist in their thinking that Papal jurisdiction was a weapon to be brandished, but not used; it showed itself in a craven servility to the worst King that ever wore an English crown—in cringing to his despotism when he chose to repudiate the notion that the Archbishop's oath of fealty implied a saving clause by which matters of obedience were limited to what was right and in accordance with the will of God. If Bishop Creighton wishes to claim continuity with men in such a degrading act, we can say nothing; but it would imply more Erastianism in the present Establishment than its worst foes have been accustomed to attribute to it.

And certainly the inconsistency cannot be said to have come, to use Bishop Creighton's phrase, from the "atmosphere of their island home." We had no such licentious tyrants in England before William Rufus; and though there was servility in barons, there was no disposition to hinder an Anglo-Saxon archbishop from having access to the Apostolic See. Nor is it correct to say simply, as Bishop Creighton does, that the barons "refused to support him [Anselm] in carrying his appeal to Rome." For when not under the mad fury of a licentious despot, like the Red King, the barons behaved differently; they joined in with the next King (Henry I.) in advising Anselm to go to Rome and get the matter of investitures settled there.¹

¹ "Since it is *your common desire* that I should go [to Rome]," said Anselm to the barons in the next reign, "I will undertake the journey, although my strength has left me and I am growing old." Cf. Eadm., *Hist. Nov.*, s.a. 1103 (Rolls Series, p. 148).

Neither, again, was the appeal spoken of by Bishop Creighton an appeal from a matter which had gone through any English courts and needed to be settled by an ultimate court of appeal. This was no case of that kind, and therefore cannot fairly be quoted as a precedent for repudiating all appeals to Rome as a final court. It concerned simply the general question as to the right of an Archbishop of Canterbury to approach his ecclesiastical superior, that superior having, *ex hypothesi*, been made such by our Lord's own institution. For against the Divine institution of that supremacy neither the King, nor bishops, nor barons had a word to say. The King himself tried to utilise this conviction, so deeply rooted in the English mind, when the legate came with the pall; the bishops admitted it as a matter of doctrine at the Council of Rockingham; and the barons supported St. Anselm in his maintenance of that doctrine when a bishop, who had himself appealed to Rome in past days, suggested to the King a forcible deprivation of the Archbishop's crozier and ring.¹

And the man who was selected for the contest on behalf of Papal in place of royal supremacy in the government of the Church, was, not as Bishop Creighton suggests, a mere foreigner; he was, as Professor Freeman describes him, "the teacher of Normandy, the shepherd of England, the man who dived deeper than any man before him into the most awful mysteries of the faith, but whom we have to deal with as one who ranks, by adoption, among the truest worthies of England, the man who stood forth as the champion of right against both political and moral wrong in the days when both political and moral wrong were at their darkest."² He was the man who, to use the same writer's words, "became

¹ William of Durham.

² Freeman's "William Rufus," vol. i. p. 367.

the idol of all the inhabitants of England, without distinction of age or sex, of rank or race." He it was who first entered upon the conflict between the old political law of England and the new feudal law set up by the Conqueror. There was no hope of settling things at home in the absence of all synodical action, owing to the King's feudal notions. For whilst the Conqueror had done his best to stem the disruptive tendencies of feudalism in the temporal order, he had initiated a policy in regard to the Church, which tended, as Dean Church remarked, "to place the duty and conscience of Christian bishops under the heel of feudal royalty." It was in the attempt to consolidate this anti-catholic policy that William Rufus had to encounter the antagonism of one of the most learned and saintly men of the day—Anselm, archbishop, saint, and doctor of the Church.

§ 6. *St. Anselm's Motive.*

One task remains: it is to point out that Bishop Creighton has altogether misrepresented St. Anselm's motive. His account is that "he turned from the oppression of power founded upon force to power founded upon an idea of the nature of justice." This does not carry us far. For we all know that Anselm turned from the Red King to the Pope. But the question is, Was the power thus founded upon an idea of the nature of justice, one that God Himself had placed on earth for the lasting purpose of administering justice in ecclesiastical matters? This is what St. Anselm held, and this is what the Established Church of England denies. But Bishop Creighton's account of St. Anselm's deference to the Papacy is as follows: "The tendency to materialise rights and duties incident to a legal development of

feudalism was to be counteracted by an ideal extension of feudalism into an all-embracing system, embodied in the theory of the Empire and the Papacy. Christendom was held to be a great confederation, united under two coequal heads, who regulated affairs by applying those great principles of right and wrong which were sometimes obscured in a small sphere." This is supposed by Bishop Creighton to be "the mediæval ideal"—an ideal, however, which was never realised. The Empire and the Papacy, he tells us, did not work together: the Empire declined and the Papacy increased in esteem. "So far as the mediæval ideal ever became actual, it was embodied in the Papacy." But in mediæval times, according to Bishop Creighton, "their principles were, after all, legal and technical, to be perpetually discussed—not ideas, which had an inherent power of conviction and led to immediate action. They must have a good case," and "they were ready to maintain their cause by the means which were most easily available" ("Nat. Ch.," p. 4).

This is the explanation offered of the recourse which St. Anselm had to the Apostolic See. It was the only thing available in the way of upholding justice. It was, in fact, not because it was a Divine institution, but because there were practical advantages in making use of its power.

1. Bishop Creighton, however, has misstated the "mediæval ideal." Christendom was never "held to be a great confederation united under two coequal heads," *i.e.* the Empire and the Papacy. From the days of Leo III., who inaugurated the new Western Empire,¹ to those

¹ It was not a "restoration" of the Roman Empire. Mr. Bryce's theory ("Holy Roman Empire," ch. vii., 8th ed., 1889) is irreconcilable with the language of the Papal Diploma of A.D. 800, and the general language and action of the Popes and Emperors alike.

of Innocent III. or Boniface VIII., who are regarded as the most unequivocal champions of the furthest extension of the Papal power into the temporal order, the "ideal" of Papacy and Empire was never that of "two coequal heads." The idea of the Empire on that Christmas Day (A.D. 800) (which it has been said was the next most fateful Christmas after the night of the Nativity itself) when Leo III. placed the crown on the head of Charles the Great—the idea of the Empire was, not that it should rule over Christendom, but that it should be amongst the kingdoms of Europe the special protector of the Holy See. The Papal Diploma of December 25 thus speaks of Charlemagne as he "whom by the authority of God we have to-day consecrated Emperor for the defence and advancement of the Holy Universal Church."¹ And that this Empire was never meant to be coextensive with the Church, is proved by the actions of the Popes themselves in accepting the *rôle* of "protector" towards certain States, and thus making the overlordship of the Empire impossible in their case. Gregory VII., than whom there can be no better exponent of the "mediæval conception," insisted on Hungary preserving her independence of the German Emperor.

And as the Empire was inaugurated by the Pope for the protection of the Church, and not for a rule co-extensive with Christendom, so its "coequality" on its own territory was never admitted. There was a region of action in which it was paramount so long as it observed the principles of justice taught by the Christian faith. But the civil power was never exalted in the "mediæval ideal" to be coequal with the spiritual. It never rose, in theory, beyond the *rôle* of the body in relation to the

¹ Jaffé, n. 1913, pp. 217, 218; quoted by Hergenrother, "Church and State," Essay ix. § 1, note 4.

soul, a simile used of the relation of the State to the Church by St. Gregory of Nazianzus and St. Chrysostom, expressing a sense of the true proportion between Church and State with which the mediæval conception was profoundly penetrated. Gregory VII. and Innocent III. used the simile of the sun's relation to the moon for the same purpose ; and even from the ninth century onwards, perpetual appeal was made to the principles enunciated by St. Augustine in his *De Civitate Dei* as to the superiority of the spiritual over the temporal order. Whilst the civil power had its proper office, and was supreme in that office so long as it kept within the bounds of justice, the Church was held to be the judge as to whether these bounds had been passed or not. This was the special note struck by Innocent III. in his decretal *Per venerabilem*, in 1202, and it was but an echo of the teaching of Gregory VII. in the eleventh century, whose doctrine was maintained by St. Anselm. Gregory, in his letter to the Emperor Maurice, quotes the saying of Constantine, that bishops were his proper judges ; and his successor, Urban II., in the year before Anselm insisted on going to Rome, had said in a sermon that the lowest priest had a pre-eminence over every king. But a priest had this pre-eminence only by virtue of his sharing in the power of those keys which were given to St. Peter and handed on to his successors—so long, and only so long, as he was in communion with, and subordinate to, the Vicar of Christ. Such was the mediæval conception, and a most tremendous reality it assuredly was. Papal legates were being perpetually sent to the scenes of disorder, after the example of Clement, Bishop of Rome, in the days of the Apostle St. John, sending his four representatives to Corinth to heal the divisions there.¹

¹ "On the mediæval theory, the King is a spiritual son of the Pope ; and the Pope may be the King's superior in

Here, then, we have the real motive of St. Anselm's action, as described by himself in two letters, one to the Pope, and the other to the Bishop of Lyons: he considered it impossible to stem the flood of unnatural crime that had set in under the reign of an unmarried King of irregular life, without further synodical action; in this he was hindered by this ferocious and licentious despot, who soon died without a tear falling at his sudden decease; simony was rampant in the Church; the "customs" of the Conqueror and his despotic son had become for the while the "customs" of the realm, and these customs were a breach of old English ways, and would have hindered free intercourse between the Archbishop and the head of the universal Church; but such freedom of intercourse was involved in the relation which St. Anselm, in common with every archbishop before him, believed the See of Canterbury to occupy with regard to the See of Peter, that, namely, of subordination in consequence of our Lord's gift of the keys to Peter.

In the next reign, King and barons agreed that Anselm would most properly lay the matter of investiture before the successor of Peter—showing that the obstacles raised against such recourse to Rome by the Red King did not represent the convictions of the Church in England, nor even of these barons themselves. Not that Henry was a model exponent of the mediæval—that is, the more defined Catholic conception as to the government of the Church and world; but he was not the ruffian that his brother was, nor so ignorant. He had, however, the blood of the Conqueror in him; and he had to be reminded by Bishop Ivo of Chartres, that he was running against the "mediæval conception" of kinghood. The Bishop wrote, "We things spiritual only, or in things temporal and spiritual alike" (Stubbs' "Constit. Hist.," iii. xix. 313).

admonish your Highness, with urgent entreaties, to suffer the Word of God to be preached without hindrance in the kingdom entrusted to you, and to be ever mindful that the earthly kingdom must be always subordinate to the heavenly kingdom, entrusted to the Church."¹

In short, the Bishop's estimate of Anselm's motives and conduct cannot be extracted from the record as we have it; and perhaps in no respect is it more thoroughly unjust than in the suggestion that his insistence on having access to the Holy Father was due to his being "a new-comer,"² as though it were something un-English. On this point we have a very competent witness in the late Professor Freeman, who says of St. Anselm, that "from the moment when he first set foot on our land he won the rank of an adopted Englishman by standing forth as the champion of the saints of England. Stranger as he was, he has won his place among the noblest worthies of our island. It was something to be the model of all ecclesiastical perfection; it was something to be the creator of the theology of Christendom; but it was something higher still to be the very embodiment of righteousness and mercy, and to be handed down in the annals of humanity as the man who saved the hunted hare, and stood up for the holiness of Ælfheah."³ Eadmer lays special stress on Anselm being more English than Lanfranc.⁴ In point of fact, he knew England well for fourteen years before he was made Archbishop.

As regards his life as a whole, it has been said by an

¹ Ivo Carnot., Ep. 106, ed. Duret; Hergenrother, "Church and State," Essay xiii. § 4, note 5.

² "National Church in Middle Ages," p. 3.

³ Freeman's "Norman Conquest," vol. iv. chap. xix. p. 444. Ælfheah was an Archbishop of Canterbury, whose sanctity Lanfranc depreciated, but whom Anselm defended in defending English saints in general.

⁴ *Vita Anselmi*, i. 5, 42.

able writer, that, "in reality, Anselm succeeded in every object for which he fought. He obtained the restoration of the Canterbury estates; he procured the holding of synods and the enforcement of Church discipline; he established the right of appeal to the Pope, and forced the King himself to plead at the Romish tribunal; and he drew an impassable line between Church and State. No man hereafter thought that the ring and crozier were held, like the sword, from the King's hand."¹ All this he did under the ægis of the inspiring belief that the See of Peter was the divinely instituted source of jurisdiction and centre of unity to the whole Church of Christ.

¹ "History of England during the Early and Middle Ages," by C. H. Pearson, Fellow of Oriel College, Oxford, 1867.

CHAPTER IV

AN ARCHDEACON AND A PROFESSOR ; OR, WHY THEY BELIEVED IN PAPAL SUPREMACY

§ 1. *The Question.*

THE Bishop proceeds to lay down (p. 5) that "in England certainly the theory [of Papal Supremacy] was strictly limited by a consideration of practical advantages." And in proof of this, his lordship quotes from two writers, of whom one, Giraldus (Archdeacon of St. David's), "mocks at Papal pretensions"—so, at least, the Bishop says ; whereas, the other, Adam Marsh (the celebrated Oxford Professor), teaches that "the successors of Peter had the government, not only of one ship, but of the whole ocean," *i.e.* of all Churches in the world. And his lordship accounts for the assumed difference in the teaching of these two writers by the fact that in the interval between their respective utterances "the Papacy had rendered great service to England in the troubled times of King John, and had helped to restore order during the minority of Henry III." "The theory of a far-off suzerain" (and this, according to the Bishop, was the real attraction of the Papal Supremacy) "had been put into practice, and had been found advantageous."¹ Hence Adam Marsh taught the jurisdiction of the Pope over all Churches, whereas Giraldus mocked at Papal pretensions. In either case their belief in Papal

¹ "The National Church in the Middle Ages," p. 5.

Supremacy rested (according to the Bishop) on utilitarian principles, and therefore varied according to circumstances.

Now, several questions present themselves. What is the value of Giraldus' saying quoted by the Bishop? For we cannot suppose that his lordship intended to quote a worthless testimony. Does it express any one's opinion but his own? or does it intimate even Giraldus' conviction as to the grounds of his belief in "Papal Supremacy"?

Then as to Adam Marsh. Can his words be interpreted as expressing a theory derived simply from the experienced advantages of Papal Supremacy? Is it even true that he had only seen the utility of that supremacy "in the troubled times of King John" and "during the minority of Henry III.," or had he also seen "the middle of the reign" of that monarch, which "saw it [the Papal power] harmful and detested?" For if the latter is the case, we must seek some other grounds for Adam Marsh's teaching on the subject, since he would have seen both sides.

§ 2. *The Teaching of Giraldus.*

What, then, is the value of this statement of Giraldus, the Archdeacon of St. David's (if it be his statement), that "the man who at Rome could not make good his rights, even over a garden, is assuming to dictate to kingdoms"? ("Nat. Ch.," p. 5).

Professor Brewer, the editor of the second volume of Giraldus' writings in the "Chronicles of Great Britain and Ireland," published by order of the Master of the Rolls, says that the "reader must beware of interpreting our author's accusations too literally" (p. lv.). Mr. Dimock, the editor of another work by Giraldus—his *Itinerarium Cambriæ*—speaks of that as being "com-

paratively free from all the bitter, evil-speaking, lying, and slandering that not unfrequently make others of his works absolutely repulsive" (Pref. p. xlii.). Professor Brewer again, when editing a third work of Giraldus, viz., his *Speculum Ecclesie*, warns us that that composition is "not an adequate representation of the state of the Church in general, nor of the Church of England in particular" (Pref. p. xvi.). And the late Professor Freeman, the historian, the *continuator* of Dimock's Preface to Giraldus' "Life of St. Hugh," says (p. liii.), "In estimating the historical value of any work of Giraldus Cambrensis, we must remember the twofold character of the man with whom we are dealing. We are dealing with one who was vain, garrulous, careless as to minute accuracy, even so far careless as to truth as to be, to say the least, ready to accept statements which told against an enemy without carefully weighing the evidence for them. We are dealing with one who was not very scrupulous as to consistency, and who felt no special shame at contradicting himself." It may be added that he was known also as Giraldus the Savage (Sylvester).

But there was one point, at any rate, on which Giraldus was consistent throughout his life, and that is, his belief in Papal Supremacy.

Here is his own confession of faith, made a few years after the time when Bishop Creighton thinks he wavered as to his belief in that doctrine:¹ "The Pope is spoken of as the Father of fathers, or the guardian of the fathers. He is also called universal, because he presides over the universal Church. He is also called *Apostolicus* (the Apostolic), because he acts in place of the Prince of

¹ This statement of Papal Supremacy is adopted by Giraldus from Hugo de S. Victor, and should have been printed in the Rolls Series edition, within inverted commas.

Apostles. He is also called the supreme Pontiff, because he is seen to be the head of all bishops. His name is changed at his ordination [to the See of Rome], because the name of Peter was changed by Christ when he was set over the Church. To him also the keys are delivered, because the keys of the Kingdom of Heaven were given to Peter by the Lord, that he might know himself to be the doorkeeper of Heaven, whereinto he was to introduce the Church." He then describes the Papal office: "It is the office of the Pope to order masses and offices, to change canons for the time for the utility of the Church, to consecrate the emperor, to give the pallium to archbishops, privileges to bishops or other religious persons; to govern, as Christ, the whole Church. Therefore the Pope governs the Church as the Vicar of Christ, [whilst] bishops preside over it in the place of the Apostles."¹ And at the very time when Giraldus is supposed by the Bishop of Peterborough to have been "mocking at Papal pretensions," he was spending all his energies on the endeavour to induce the Pope to remove the See of St. David's from its dependence on Canterbury, and make it (like Scotland, whose case he quoted) immediately dependent on the Holy See. With Giraldus, then, whilst certain accidents of Papal Supremacy, such as composing the differences of kingdoms, might be (though I do not say they were) the subject of sarcasm, the dependence of all sees in Christendom on the See of Peter, *i.e.* Papal Supremacy itself, was not a matter to be determined by practical utility, but was established by Christ's own ordinance; in a word, it was with him, from end to end of his strange life, a matter of faith. This he considered to be the doctrine of the Church of England. And how-

¹ *De Principis Instructione*, Dist. i. cap. xix.

ever unscrupulous he could be when writing of his enemies, those who are well acquainted with his writings will agree with Professor Freeman, that he was, nevertheless, "one of the most learned men of a learned age." His teaching may be summed up in the following words which occur in his *Speculum Ecclesiæ* (Dist. iv. cap. xiii.), written some years after the quotation given by the Bishop of Peterborough: "As the whole world was subject to the temporal empire of Rome whilst its monarchy stood firm, so also all Churches throughout the world are bound to supply what is necessary to the spiritual Roman Empire, that is, to the principal Church, that of Peter, which, being under Christ's government, can never suffer shipwreck, and [they are bound] to minister to her in all things as to their head."

It would be difficult to select an author less suited to the Bishop's argument than Giraldus; for if any one article of his faith comes out more clearly than another in the whole course of his life, it is that of Papal Supremacy, or the divinely instituted headship of the Church of Rome over all the Churches in the world.

What, then, of these words of Giraldus, quoted by Bishop Creighton, as showing that he differed from Adam Marsh?

As a matter of fact, Giraldus does not use a crucial word in Dr. Creighton's quotation. He does not say that the Pope is "*assuming*" to dictate to kingdoms. He says that the Pope is "*endeavouring* to bend kingdoms to his will" ("Nititur ad nutum flectere regna suum"). The words were probably written, not when Bishop Creighton supposes, *i.e.* "late in the twelfth century," but, as Wharton, in his *Anglia Sacra*, supposes, in 1203.¹ Innocent was then endeavouring to

¹ *Anglia Sacra*, vol. ii. p. 434. The lines are:—

"Cui male sublatus Romæ non cederet hortus,
Nititur ad nutum flectere regna suum."

induce Philip of France to bow to his decision, King John having just appealed to His Holiness. He had just published his famous decretal about the duty incumbent on kings, whenever one side in a quarrel appealed to the Apostolic See, to bow to its decision. The Pope had, as we know, his difficulties as to property in the city of Rome at the same time. Hence Giraldus' remark. It was not a new situation; and this is important in weighing the meaning of Giraldus' remark. Giraldus knew well that history was repeating itself; and as the history of the Papacy had not hindered him from believing in its divine appointment up to this time, so neither need we, nor indeed can we, suppose that the strange spectacle which he describes in the verses alluded to by Bishop Creighton, was to be understood to have led to a change in his faith at this time. Some years earlier, in October 1080, the King of Germany (Henry IV.) was actually installing an antipope in the city of Rome. Gregory, in all appearance, was weaker than ever Innocent III. was in that city. But, as Hefele remarks, "truly astonishing is the courage with which Gregory, whilst engaged in a struggle for his own existence, keeps his attention upon the needs of the Church in all parts of the world. . . . His own dire need never prevented him for an instant from entering into everything with Apostolic dignity and power, encountering even the great and mighty ones of the earth with admonitions and chastisements, when sacred things or the duty attaching to his office appeared to require it." Had Bishop Hefele desired to put these remarks into verse, he might have done it in the terms used by Giraldus to which the Bishop of Peterborough refers, viz., "Nitur ad nutum flectere regna suum"; yet Bishop Hefele could not be convicted thereby of disbelieving in Papal Supremacy.

At the same time, I should be quite willing to concede that there may be some sarcasm in the words, especially if they were written at the date (wrongly, as I have said, but confidently) assigned to them by Bishop Creighton. For just then Giraldus had lost his case at Rome; and looking to his character of savagery, and unscrupulous remarks against any enemy, he may have indulged in some sarcasm at the Pope's expense. But what he *could not* have meant was to mock at Papal pretensions in the sense of disbelieving in the spiritual supremacy of the Pope over the Church in England. For if Bishop Creighton's date be correct, Giraldus was just then pressing on the Pope that he should place the See of St. David, where he was himself Archdeacon, under the immediate jurisdiction of the Holy See, withdrawing it from any relation of subordination to Canterbury. The Pope referred the matter by his Apostolical authority to the Province of Canterbury, and with this Giraldus was mightily displeased. It is therefore clear that if we were to concede to Bishop Creighton the correctness of the date assigned by him to Giraldus' utterances, it would be out of the question, for it would argue an entire oblivion of the situation, to suppose that Giraldus was so much as hinting at any weakness in the claim of the See of Peter to jurisdiction here in England. In point of fact, later on Giraldus went to Rome for all sorts of Indulgences, having resigned his preferment in order to receive it back straight from the See of Peter.¹

I repeat, then, that it would be difficult for Bishop Creighton to have selected a witness more completely against his theory than this very learned, eccentric, and savage Archdeacon, Giraldus Cambrensis. In one thing

¹ This was in 1207. He also speaks of Innocent III. as "qui tunc præfuit egregie constitutus" (*cf. Invectionum*, Lib. v. cap. xiii. and xx.).

he was consistent from end to end of his life, and that was his belief in Papal Supremacy.

It is clear, then, that, so far as words go, Giraldus did not differ from Adam Marsh by a hair's-breadth in his teaching as to the legitimate and essential relation of the Holy See to all other Churches.

§ 3. *Adam Marsh.*

But was Adam Marsh's teaching as to the supremacy of Rome over the Churches derived (as Bishop Creighton asserts) from a sense of the practical advantages of that supremacy? or was it, in his own belief, based on the teaching of Holy Scripture itself? I will not, in justice to Bishop Creighton, suppose that he professes to go behind Adam Marsh's expression of belief and assert that he saw this truth in Scripture because he apprehended the practical utility of submission to the Holy See. That would be on a par with asserting that the Bishop of Peterborough himself fails to see in Holy Scripture and the tradition of the Church what Adam Marsh saw there, because he (the Bishop) thinks he sees the advantage and utility of being free from the Supremacy of Rome. It is enough to know that Adam Marsh does assert that Papal Supremacy is to be found in Holy Scripture; and that he regards it as flowing, according to the tradition of the Church, from the words of our Lord to St. Peter. To prove this we need not go beyond the very letter from which Bishop Creighton quotes. In that very letter Adam Marsh traces Papal Supremacy to our Lord's words to St. Peter by the Sea of Galilee, "Feed My sheep,"¹ and also says that "the one and

¹ Cf. *Monumenta Franciscana* (Rolls Series), Adam Marsh, p. 419.

supreme Pontiff presides over all the nations of the world *by Divine institution.*"¹ Clearly, therefore, it was with him not a matter merely of practical advantage, but a part of the Christian faith. And Adam Marsh was, in the language of the day, the "illustrious doctor" (*doctor illustris*). He entered the Franciscan order some years before, and as a Franciscan, in the first fervour of that wonderful order, he necessarily held the doctrine of Papal Supremacy as a part of the faith; he held it all along his religious life, as we have seen he certainly did when he wrote the letter from which the Bishop quotes. And Adam Marsh enjoyed a high reputation both for learning and piety; he was, according to Roger Bacon (the best of witnesses) "perfect in all wisdom, Divine and human" (*cf.* Bacon's *Opus Tert.*, chap. xxii. and xxiii., quoted by Professor Brewer in his Preface, page c., to the *Monumenta Franciscana*).

Such was the man whom Bishop Creighton opposes to Giraldus, and whose belief he traces to a sense of the practical utility of Papal Supremacy. He taught, as we have seen, its Divine institution in the very letter from which Dr. Creighton quotes.

It might be sufficient to stop here. But, as Bishop Creighton occupies a considerable position amongst English historians, I shall examine further into the accuracy of his statement from another point of view. His lordship maintains that the "difference" between the "views" of Giraldus and Adam Marsh as to the Papal Supremacy (a difference which we have seen does not exist) "is to be found in the fact that the Papacy had rendered great service to England in the troubled times of King John, and had helped to restore order during the minority of Henry III." Adam Marsh, he

¹ *Monumenta Franciscana* (Rolls Series), Adam Marsh, p. 415.

says, wrote the letter from which he quotes "early in the thirteenth century." Naturally, therefore, so the Bishop's argument runs, he spoke of Papal Supremacy in the way he did, because "the theory of a far-off suzerain had been put into practice, and had been found advantageous" (p. 5). His lordship adds that "if the beginning of the reign of Henry III. saw the Papal power both useful and popular in England, the middle of the reign saw it harmful and detested" (p. 6). But Adam wrote "early in the thirteenth century." It will be seen that this date—viz., "early in the thirteenth century"—is necessary to his lordship's thesis.

But, unfortunately for the Bishop's argument, Adam Marsh wrote his letter not "early in the thirteenth century," but in the *very middle* of that century, and beyond "the middle of the reign" which "saw it [the Papal power] harmful and detested." Professor Brewer, in his edition of the *Monumenta Franciscana*, in the Rolls Series, assigns as the date of this letter the year 1250. On what grounds he fixes on this date he does not say; but he is clearly correct in so doing, for the internal evidence in its favour is quite conclusive. Before having seen Professor Brewer's conclusion as to the date, I had fixed upon that same year myself, on the ground that the letter speaks of the Pope (Innocent IV.) having *already* presided at a general council, which could only be Pope Innocent IV. at the Council of Lyons in 1245. Moreover, it is said also to have been written on the occasion of Henry's proposing to take the Cross, which, since it must be after 1245, could only be in 1250.¹ Thus Adam Marsh actually wrote six years after the middle of Henry's reign—that is to say, six years after

¹ The same date is assigned to this letter in the volume of the Oxford Historical Society on "The Greyfriars in Oxford" (vol. xx. 1891, p. 136; ed. A. G. Little).

the Papal power had, according to Bishop Creighton, become "harmful and detested." Yet he spoke of Papal Supremacy as having been not only prefigured in the inspired account of our Lord's risen life, but as having been instituted by our Lord Himself in His words to St. Peter in St. John xxi. 17. He had seen the events of 1229; he knew of the rage, rising to white heat, against Papal pecuniary exactions in 1231, so graphically described by Mr. Green in his "History of the English People" (i. 268, *seq.*) as having spread over the whole kingdom; he was the sworn friend of Grosseteste; he had been with him to the Council of Lyons, when the English people laid their case of distress before the Pope; he knew of the "complaint of the Archbishops and Bishops of the Province of Canterbury about Papal oppressions" (Wilkins' *Concilia*, i. 694; Matt. Paris, *s.a.* 1246) in the following year, and of a similar document from the clergy, a third from the barons, and a fourth, all but simultaneously, from the King—all this, and much more, he knew, and yet, in spite of all, he speaks of Papal Supremacy over all the Churches in the world as derived from the words of our Lord Himself. The middle of the long reign of Henry III. had passed, and, if Bishop Creighton's account be true, the disadvantages, the harm, of the Papal power had been manifest to such an extent as to make it "detested," and yet Adam Marsh speaks of Papal Supremacy as of Divine institution. What is this but saying that his belief in it did not depend on its practical advantages, but that, in spite of all appearance to the contrary, in spite of manifest disadvantages in the shape of exactions and oppressions, the faith of a Catholic Christian forbade him to rebel against it, though it did not prevent his protesting against its exercise in certain directions and under certain circumstances? He agreed with

Giraldus in holding (to use some further expressions of the latter) that "the Holy Roman Church is the head and summit, the fountain and source (*fomes*), the mother and womb and nurse of every order and of the whole orthodox religion" (*Spec. Eccl. Proem. IV^{ta}. Distnis.*).

One further question may be asked in reference to this argument of Bishop Creighton's—and it will be enough to ask it. How could the transactions between Rome and England, during the twenty-seven or thirty years which elapsed between the date assigned to Giraldus' supposed mocking against Papal pretensions and Adam Marsh's sense of the practical utility of the Papacy, have awakened in the English people so deep a consciousness of that practical utility as that their belief in it could embrace the proposition that "the successors of Peter had the government, not only of one ship, but of the whole ocean"? For this is Bishop Creighton's position.

It is, indeed, a gain to hear Bishop Creighton speak of the "great service" rendered to England by the Papacy "in the troubled times of King John," and to hear him admit that the Papacy "had helped to restore order during the minority of Henry III." He is here following in the steps of Mr. Green's last and best book, "The History of the English People"; and he is repudiating Bishop Stubbs, who considers the action of the Papacy in King John's reign a pure calamity.¹ But in spite of the truth contained in Bishop Creighton's repudiation of most previous Anglican historians on the reign of King John, it is surely a great deal to say that the

¹ The Bishop here also contradicts his brother, the Bishop of Stepney, who, with scant regard for history, says, "The action of one successor of Gregory and Vitalian after another has been merely mischievous to the Church of England and to the nation too" ("Ch. Hist. Soc. Lect.," p. 89).

restoration of order during the minority of Henry III., which lasted only eleven years, could have undone the supposed laxity of belief in Papal Supremacy indicated (as the Bishop thinks) by Giraldus' mocking at it. And the Bishop's further explanation is still more mysterious, for he continues, "The theory of a far-off suzerain had been put into practice, and had been found advantageous." One would have supposed that the residence of the Papal legate in England was not exactly a specimen of the "far-offness" of the suzerain.

CHAPTER V

BELIEF IN PAPAL SUPREMACY IN THE REIGN OF HENRY III. (1216-1272)

§ 1. *The Question.*

IT has been the fashion of late to find in the reign of Henry III. the germ of the ecclesiastical revolution which took place in the reign of Henry VIII. Mr. Green, in his "History of the English People," sees in some incidents of that reign the little rift that widened into a gulf, and parted England from Rome in the sixteenth century.¹ Mr. Lane heads his chapter which deals with Henry III., "The Reaction against Roman Supremacy."² Canon Perry, in his "English Church History," with more caution, heads the chapter containing his account of the same reign with the words "The Reaction against Rome"; but throughout he includes Papal Supremacy as the object of attack.³ And Bishop Creighton says, "The reign of Henry III. was the period in which, largely owing to resentment at Papal interference, the cry was raised, 'England for the English'"—a cry which his lordship proceeds to put on a line with the repudiation of Papal Supremacy by Henry VIII. in the preamble of the Act forbidding appeals to Rome.⁴ National independence of Rome would thus have a very

¹ i. 268.

² "Illust. Notes," chap. xiv.

³ "Student's English Church History," First Period.

⁴ "The National Church," &c., p. 8.

respectable antiquity. The cry began in the reign of Henry III. in the thirteenth century, and "found its final expression," according to Bishop Creighton, in the reign of Henry VIII.

It is my purpose to show that the attitude of England towards the Holy See *all through* the reign of Henry III. was such that the Act of Henry VIII. forbidding appeals to Rome *on any matter whatsoever*—that is to say, in regard to matters of faith and ecclesiastical discipline of all kinds—constitutes a vital difference between the religion of the two periods. Continuity with the Church of England in the thirteenth century can, it will be seen, be preserved only by a religious body which holds that the Apostolic government of the Church includes its government by the Apostolic See.

Professor Collins protests ("Ch. Hist. Soc. Lect.," pp. 50, 51) against the reign of Henry III. being selected as a witness to Papal claims on the ground that King and clergy united in "encouraging the fullest intercourse with the Papacy." But this is one point of my argument. It is an admission of the fact on which it rests. Only the chief point of the argument is concerned with the fact that they encouraged intercourse with the Papacy on the ground of doctrine, not *merely* on the ground of utility. Professor Collins also derives an argument against the Papacy from the fact that the acme of its power coincided with a period of unusual "weakness, violence, and oppression." But would he not resent the application of this argument to the sixteenth century? And is it not quite clear that the violence and oppression was concerned with the civil order, and in no way sprung from the Papacy? Grosseteste, to whom he alludes, most distinctly shows that the greatest of all dangers lay in the absence of that ecclesiastical liberty which was safeguarded, as he taught, by Papal Supre-

macy ; and Professor Collins admits that at that time "there were bishops of the highest character and ability" (p. 51).

There is one difficulty in dealing with the reign of Henry III., which must be at once recognised. It lies in the fact that the Pope stood towards the realm of England in a twofold relation. He was, to some extent, its temporal overlord as well as its spiritual father. If any value is to be attached to a man's word, England was bound to recognise this. Henry II. had distinctly avowed the relationship of vassalage, when, after the murder of Thomas à Becket, he wrote to Rome in reference to his son's rebellion, saying, "The kingdom of England belongs to your jurisdiction, and, so far as relates to the obligation of feudatory right, I am subject (*obnoxius*) and bound to you only."¹ This was in 1173, after the withdrawal of the constitutions of Clarendon. And Henry III. took the oath of homage to the Papal legate Gualo.

This first relationship was indeed indefinite, and a matter always open to dispute ; it was destined eventually to pass into desuetude ; it belonged to the accidents, and not even to the inseparable accidents, of the Pope's spiritual supremacy ; but it has to be taken into account. The second relationship, that of spiritual father, had as yet never been disputed by the Church of England. But as the attitude of the subject in the temporal order towards his suzerain might enter upon the region of sin, the spiritual supremacy would necessarily mingle at times with the exercise of the rights of overlordship, and hence the difficulty in some cases of disentangling the exact title upon which obedience was claimed or refused. Consequently, it has been the

¹ Rymer, i. 35.

misfortune of this controversy that Anglican writers have been tempted to accumulate cases of resistance to the Pope in one relationship and transfer them to resistance in the other. They have constantly argued from expressions of irritation, or instances of opposition raised against the temporal accidents of that supremacy, to a denial of the doctrine on which its essential features rest. If any one complained of a tax, he is credited with denying in principle the supremacy of the Apostolic See; and if any particular exercise of that supremacy was objected to, it is argued that the principle of supremacy itself was repudiated. But to proceed.

§ 2. *Freedom according to Modern Anglican Writers.*

Few words have been more often repeated in this "continuity" controversy, and, I must add, more often misinterpreted, than those with which the *Magna Charta* opens, "Let the Church of England be free." These words are constantly supposed to proclaim the determination of the English people to be free from Papal interference. The late Lord Selborne,¹ whom Mr. Nye and others follow,² says, "It was the Church, not of Rome, but 'of England' (*Ecclesia Anglicana*), of which the 'rights and liberties' were declared to be inviolable by King John's great charter, confirmed by Henry III." These writers seem to imagine that the use of the expression "Church of England" somehow suggests that it was not dependent on Rome; whereas the real question is, whether this "Church of England" as she called herself and as Rome herself called her, held the Church of

¹ "A Defence of the Church of England," 4th ed., 1888, p. 9.

² "The Church and her Story," p. 74. There is no date to this "new and revised edition."

Rome to be the mother and mistress of all Churches, herself included. In this case, as has been already stated, the expression proves nothing. Similarly, Bishop Creighton quotes the same words with this significant comment, "When the framers of the Great Charter enacted 'Libera sit Ecclesia Anglicana,' they had a notion that their own ecclesiastical institutions were the object of their special care," &c.¹ The Bishop introduces these words into a paragraph which deals with what he considers the gradual formation of a national Church in England, independent of Papal Supremacy, free, that is, of Rome. It is clear, therefore, what this writer understands by ecclesiastical freedom.

But what did the Church of England in the reign of Henry III. (1216-1272) understand by the term "freedom" as applied to herself? In order to answer this question it will be necessary to describe briefly what actually took place in connection with this subject in the earlier part of that thirteenth century.

§ 3. *Ecclesiastical Freedom as secured by Magna Charta.*

Amongst other tyrannical proceedings, King John had personally interfered with the election of bishops and abbots. It was part of the struggle between the ecclesiastical and civil powers which had been going on throughout Europe, and in which Rome had been throughout the consistent champion of the freedom of such elections. So much was this the case, that "Roman liberty" had become a technical term in reference to monastic institutions. It meant in particular that free-

¹ "National Church," p. 9.

dom which dependence on Rome secured in the choice of abbot or prior, with which lay patrons and bishops were specially tempted to interfere. It meant freedom from taxes arbitrarily imposed by baron or bishop. It meant also freedom from other modes of episcopal interference with the temporalities of a monastery, as, for instance, from any right of lodging in it which a bishop might otherwise claim to the serious financial embarrassment of the institution. It did not, however, mean in those early times freedom from all episcopal jurisdiction.¹ And as the election of the abbot was the principal point in the freedom of a monastery, and was secured to it very frequently by its being under the "protection" of the Holy See, so with the Episcopate itself. Wherever the civil power sought to make good its tyranny over the Church, it aimed at drawing the elections of bishops into its unrestricted dominion. But the Holy See was in those times the barrier. The Episcopate without the Holy See has never yet for any length of time resisted the invasions of royal supremacy. It has needed the "strengthening" of St. Peter's See.²

Thus "Roman liberty" had long been acknowledged as synonymous with freedom from tyranny secured by the protection of St. Peter. The Archbishop of Canterbury in 1174, in a struggle for what he considered his

¹ Gregory VII. ordained that when the bishop was simoniacal, or out of communion with the Apostolic See, episcopal functions should be supplied by a neighbouring bishop, or straight from the Holy See; but otherwise any privileges accorded to a monastery were said to be "saving the reverence and justice due to the bishop of the diocese." *Sic gratis ac sine pravitate*, are his words as regards the bishop's tenure of his see.

² The twenty-fifth canon of the third Lateran Council (A.D. 1215) condemned all who should "consent to an election as to themselves made by the abuse of the secular power against canonical liberty."

rights over the monastery of Malmesbury, says: "We know indeed that the Roman Pontiffs have often accorded these exemptions for the quiet of the monasteries, and because of the tyranny of bishops;" and centuries before, Bede had spoken of the Pontifical bulls issued on the request of founders of monasteries, as being "for the protection of their freedom, to render them safe and free from all external invasion."¹

King John, then, had interfered in England with the elections of bishops and abbots, and in this, beyond everything, lay the freedom of the Church. The cry, therefore, went up, not of "England for the English," but of "freedom for the Church." Already the Holy See had intervened to secure this freedom from royal tyranny, and not altogether without success; and the opening words of Magna Charta signalled no new departure, but were intended to bind the King to his promise already made, to allow the chapters perfect freedom from the detrimental action of Royal supremacy in the election of bishops and abbots.

Why, then, it may be asked, did the Pope temporarily annul the Charter, if the freedom which it was meant to secure was not freedom from Papal Supremacy?

The answer is plain. It was not the Charter to which the Pope objected, but the way in which it was passed, and the principle which the mode of procedure adopted by the Archbishop and barons appeared to sanction. The situation was as follows:—

In that year King John had brought England into such a critical condition that she was in danger of

¹ *In munimentum libertatis* ("Hist." iv. 18). St. Bernard draws a distinction between monasteries whose founders procured for them certain exemptions, and those which, after having been founded, procured them for themselves—to the depreciation of the latter.

invasion. She had already lost Normandy; she might now have to submit to a new conquest from the Continent. At this juncture John decided to ward off the imminent danger by doing what for various reasons other states had done, viz. seek the "protection" of the Holy See by making it the overlord of the kingdom of England. An overlord, as we have already seen (p. 41), would not be entitled to the usufruct of the kingdom—he would be simply its "advocate," or "patron," although he would acquire some rights. Already a special relationship had been admitted by the payment of Peter-pence; but not the overlordship which required homage, and rendered a man, or city, or kingdom, a "vassal." King John decided to do homage and acquire the full rights of protection. *He was not alone in his decision. He did it with the consent of the barons and the bishops. They and the Archbishop and representative bishops signed the deed of resignation as witnesses.* It was done (as the words run) by their "common advice."¹ And the terms in which the overlordship of the Holy See was asked and agreed to were those of the most solemn promise a man could make.

Protestant writers have often dwelt on the thrill of horror which ran through the land at this deed of shame. But this is pure fiction. England did not shudder, but rather approved. There was no disgrace in what John had done, according to the sentiments of the age. This, as Mr. Green, in his "History of the English People," has pointed out, is an idea read into the history from the sentiment of a later period. Those who do not believe in the Apostolic See necessarily consider the act of King John a disgraceful measure. But at that time people did believe in the Apostolic See; and they did

¹ Rymer's *Fœdera* (ed. 1737), i. 57.

not recoil from the notion of a kingdom being placed under the special protection of the Apostle Peter as its overlord. As I have said, it was done by the "common counsel" of the barons, as is expressly stated in the deed of resignation. And as Mr. Green observes ("History of the English People," vol. i. p. 230), "as a political measure its success was immediate and complete." The French King was checkmated.¹

But when, after this, the Archbishop and barons forced the King to sign the Magna Charta in 1213, in which the person and the property of the subject were protected from royal injustice—for this was the real point of that Charter—they placed themselves, at least technically, in the wrong. They could not fairly act thus without consultation with their overlord. Innocent III., as Mr. Green says again, "was indignant" (and, we may add, justly indignant) "that a matter which might have been brought before his court of appeal as overlord, should have been dealt with by armed revolt" ("History of the English People," p. 248). There was also an obnoxious clause in this Charter. Mr. Pearson, in his "History of England," observes (vol. ii. p. 93, 1867) of the Charter: "Its gravest, perhaps its only real defect, was the provision which allowed a council of barons to wage war upon the crown." The Pope doubtless objected to this; but most of all he reprobated the way in which the Charter was introduced,² and accordingly annulled it, and excommunicated the barons. His action had nothing to do with the clause about the freedom of the Church; for, in arguing with

¹ The Bishop of Stepney quite misrepresents the whole matter in his lecture in the Church Historical Society's Series (S.P.C.K., 1896), p. 89.

² He says the barons made themselves judges in their own case (Rymer, 9 Kal. Sept. 1215).

the barons two years later, he pleaded this very freedom as having been previously promised by the King, and as being a satisfactory measure.¹ Neither was any objection raised by the Pope against the other clauses concerning taxation and personal liberty, for, as Mr. Green has said, "its [*i.e.* the Papacy's] after-action shows that Innocent was moved by no hostility to English freedom." As soon as John died, his son Henry being only nine years old, "the position of Gualo as representative of the Papal overlord of the realm was" (to quote Mr. Green once more) "of the highest importance, and his action showed the real attitude of Rome towards English freedom. The boy-king was hardly crowned at Gloucester, when legate and earl issued in his name the very Charter against which his father had died fighting" ("History of the English People," p. 250).² And the legate took the initiative in proposing its issue. Now as no one supposes that the Pope would command England to cut herself off from Rome, we can be sure that Pope Honorius, at any rate, did not see any repudiation of Papal Supremacy in the words, "Let the Church of England be free"; and, indeed, Innocent III. had, as we have seen, already (in 1215) pointed to this very clause as leaving the barons and bishops with less excuse for continuing their animosity against the King.

¹ Cf. Rymer, A.D. 1215, 3 Kal. April, and 9 Kal. Sept.

² The Bishop of Stepney, in defiance of this fact, says, "The Popes, as we have seen, freely used their authority to curse our great charter of freedom" ("Ch. Hist. Soc. Lect.," 1896, p. 91).

§ 4. *Ecclesiastical Freedom as understood by the
Episcopate.*

Now this interpretation of the term freedom, as meaning, not a cry of England for the English (which is Bishop Creighton's interpretation), nor the assertion of independence of Rome, as the late Lord Selborne strangely imagined, and as Bishop Creighton also assumes it to mean, but freedom from royal interference in the elections of bishops and abbots—was universally maintained later on in the reign of Henry III. For in 1252 the Church of England passed formal sentence of excommunication against all "violators of ecclesiastical freedom." The sentence begins thus: "By the authority of Almighty God, Father, Son, and Holy Ghost, of the glorious Virgin Mary, Mother of God, of the Blessed Apostles Peter and Paul, and of all the Apostles, of blessed Thomas, archbishop and martyr, and of all the holy martyrs, of blessed Edward, King of England, and of all the holy confessors, and of all the saints of God, we"—and here follow the names of the Archbishop of Canterbury, of the Bishops of London, Ely, Lincoln, Worcester, Norwich, Hereford, Sarum, Dublin, Exeter, Carlisle, Bath, Rochester, St. David's, and an assertion of the consent of the Archbishop of York—"anathematise all who do violate the ecclesiastical liberties"—which they then describe. They had already sent their list of "freedoms" to Rome, and received for them Papal confirmation. *They accordingly quote as their authority the Papal bull* confirming their decision as to their ecclesiastical liberties. What could be done more to show that they had no thought, in all their complaints, of resisting the supremacy of the See of Peter in its

proper sphere of power, but that, however they might complain of Papal exactions, they would set it down as schism to issue an excommunication in regard to ecclesiastical freedom without first securing Papal confirmation of their proceeding? The idea of a national Church independent of the See of Peter had not only not entered into their minds, but was thus censured by anticipation. This sentence of excommunication, with its promulgation of the Papal bull confirming it, occurred in 1252—that is to say, some years after the middle of the reign of Henry III., the date assigned by Bishop Creighton, in which “the cry was raised of ‘England for the English’”; a cry which, he says, “found its final expression in the preamble of the Act forbidding appeals to Rome” in the reign of Henry VIII.

All this is completely negated by such an act as I have just quoted, in which the Province of Canterbury placed its freedom under the shelter of Papal authority—showing that whatever ecclesiastical freedom meant, it did not mean, in the mind of the English Episcopate, independence of Rome.¹

§ 5. *The Barons of England on Papal Supremacy.*

Six years after this emphatic declaration, on the part of the ecclesiastical authorities in England, of belief in Papal Supremacy as of Divine institution, we have the clearest evidence as to the belief which reigned in the mind of the baronage. They could be rebellious against their own belief on occasion, but their belief is clear, as the following facts will show.

¹ Instances of this might be multiplied; e.g. in the Lambeth Council of 1261 the “liberty of the Church” was used all through for freedom from royal and other lay interference (Wilkins, i. 746-753).

In 1258 those English barons who acted under Simon de Montfort against the King had drawn up a scheme for the government of the kingdom, including a council to advise his Majesty. The first proviso was that the foreigners in possession of royal castles should vacate them. So far it was a cry of England for the English. Simon de Montfort himself, as Hubert de Burgh before him, gave up Odiham and Kenilworth; but the proviso was resisted by the aliens. They took refuge in the Bishop's castle at Winchester. Now, this Bishop was considered by Simon and his allies to be their greatest foe; it was he, they said, who had advised the King to adopt his faithless and unconstitutional action. He was at present only Bishop-elect. Simon de Montfort and the barons accordingly communicated with the Pope.¹ They entreated him, out of his love for the kingdom of England, "which has always been, and is, devoted to you," "to remove the Bishop from the administration of the church of Winchester, which was granted to him by the munificence of the Apostolic See." In a second letter they address the Pope as "Head of the Church and Shepherd of the sheep of the Lord's flock, to whom, in the Blessed Peter, it has been said, 'Feed My sheep.'" And they devoutly ask "his Paternity" as suppliants, "out of the care of the Apostolic See to *provide* according to promise for the peace of ourselves and the kingdom of England."²

Now here is distinct doctrine. It is the same teaching as that of St. Anselm, and indeed, as we have seen, of all the divines of the Church of England up to this date. The See of Rome, they say, derives her power

¹ Their letters are to be found in the *Additamenta* to Matthew Paris' Works, vol. vi., in the Rolls Series, ed. Luard, 1882, p. 408 *et seq.*

² Matthew Paris, vol. vi. p. 408.

and authority from our Lord's words to Peter, "Feed My sheep."

But they write a third time and say, "As it behoves a thirsty man to have recourse to the living fountain when the rivulets are dried up through the heat, so the oppressed fly to the clemency of your See when justice is overborne by might." So far we might suppose that it was only on the ground of past experience of Rome's justice that they thus speak. This would be remarkable enough in 1258, the time when, if we are to believe Bishop Creighton, the cry of "England for the English" had gone up, *with the meaning* of desiring national independence of Rome *as a Church*. But this is not all, for they go on to emphasise their belief that they are having recourse to a Divine institution. "For therefore has God set your Blessedness over the world in His own place." Here again is definite doctrine of the same kind. They then ask the Holy Father to intervene in regard to the diocese of Winchester, "so that he [the Bishop-elect] who respects no one, being punished, may learn that he is subject to the Apostolic See, to whose special injury he has done these things."

I know not how one is to produce proof of anything, if this is not deemed sufficient proof of a doctrine underlying the recourse had to Rome, to the effect that the Apostolic See was divinely instituted for the government of the Church in such ecclesiastical matters as did not belong simply to the civil order, in this case the deposition of a bishop-elect. The utility, therefore, was the practical advantage to be derived from appealing to a court which, in certain matters, all Christian men, according to the teaching of the Church of England, acknowledged as set over the Church by Almighty God Himself.

But there is something more. The Bishop of Peterborough, speaking of the times previous to Henry III.,

says that "exception was taken to the presence of legates; and it was agreed that the Archbishop of Canterbury should be regarded as the ordinary legate through whom Papal communications were to pass." As a matter of fact, owing to the irritation caused by the presence of too many foreigners, Archbishop Langton, anxious to keep people quiet and devoted to their mother, the Church of Rome, had asked the Pope that there might be no resident legate, *a latere*, during his own lifetime. But belief in Papal Supremacy does not necessarily involve the wish for legates *a latere* under all circumstances, even in these days. But here, in the latter part of the reign of Henry III., these barons actually asked the Pope to send a legate, and moreover a cardinal. Pope Alexander IV., who had succeeded Innocent IV. four years before this, replied that the cardinals were then few in number, and before sending a legate he should prefer to be more fully instructed as to the state of things in England.¹ But six years afterwards, Simon refused to allow a certain legate to land, because he came with authority to excommunicate him. These two instances supply us with a rule on which these matters proceeded. When it was a matter of removing a troublesome bishop-elect from the administration of a diocese, Simon endeavoured to bring in the action of the Holy See; when it was a matter of interfering in his quarrel with the King directly, he resisted the exercise of its authority. It is not to be supposed that Simon de Montfort stopped to argue the matter out on canonical principles, but we can easily discern a principle at work. Every one was glad to have the Holy See on their side when in difficulty; but the recourse had to its authority on either side of a quarrel was due to the universal con-

¹ Matthew Paris, vi. 414.

viction that in some matters it was the divinely instituted centre of rule. This Simon had stated *totidem verbis*.

After the battle of Evesham, in which Simon was slain, Cardinal Othobon was sent as legate, and at the Legatine Council of Northampton he excommunicated three or four bishops who had sided with the unhappy Earl.¹ Rome had written to say that, before condemning the Bishop of Winchester, some one must be heard on his side, and had entreated Simon and his associates to preserve their fealty to their royal master. "Technically," says Bishop Stubbs, "the fault must lie with Simon"—which is the same as saying that Rome was technically right in her decision. But the point to be noticed is that each side deferred to the Holy See. The one asked for a legate to be sent, the other received him when he came—though both were prepared to act against authority if it suited their purpose. But acting against authority is not disowning the legitimacy of the authority in itself.

What, then, must be our conclusion? Any theory, to account for all the facts so far, must admit occasional irritation, vehement opposition, and strong expressions on the part of England towards Rome. But was this the beginning of a discovery that "Papal jurisdiction" was "dangerous to Church and nation alike," as Bishop Creighton puts the matter? This would be to ignore another set of facts, a mass of evidence, which goes to show that it was the settled belief of England that the See of Rome was the See of Peter, and, as such, divinely appointed to rule the Church. The truth, therefore, appears to be this. Men often *acted* on their belief through a sense of its practical advantages; but the

¹ According to Bishop Stubbs, York, Durham, and Carlisle. Wilkins gives a different list (i. 762). But the former is probably right, as Wilkins' is an impossible one.

belief was always there, and any denial of it would have been deemed heresy, any departure from its essential requirements, the sin of schism.

What the Rectors of the churches in Berkshire said in 1240 exactly expresses the truth as held by the Church of England in the reign of Henry III., and the extent to which, and to which alone, a Catholic could carry his irritation. They said, "When the truth says, 'Thou art Peter, and upon this rock I will build My Church,' He reserved to Himself the ownership in handing over the care [of the Church], as is evident from the following words of the Gospel, 'Whatsoever thou shalt bind on earth, shall be bound in Heaven'; not, 'Whatsoever thou shalt exact on earth, shall be exacted in Heaven.'"¹ That is to say, they could protest against certain pecuniary exactions; but they could not deny the spiritual supremacy to be of Divine institution. Or, as Edward III. afterwards put it more bluntly, "The Pope was set to feed, not to shear the sheep." Two things—(1) he was set to feed—set by Almighty God; it was a Divine institution; (2) the shearing was no part of the Divine commission. To protest against the latter was within their competency; the former was fixed by the ordinance of God, and could not be denied by Christian men. Such, right or wrong, was the actual teaching of the Church of England.

§ 6. *The Protest of the Church of England against
Spiritual Independence of Rome.*

That this was the position maintained by the Church of England at that time is placed beyond question by the following episode in her history:—

¹ Wilkins' *Concilia*, i. 680.

1. When the Archbishops and Bishops of the Province of Canterbury complained in 1246 of the Pope's oppressive exactions, as they considered them, they speak of the known "benignity," and recognised "sublimity" of the "*Apostolic See*." They call that See their "own holy mother," and speak of themselves as its "spiritual children," "as we who are disposed with glad mind to labour for her and for her dignities, and to be zealous according to our power for her tranquillity, *as we are in duty bound*." They speak of "desiring to be found fervent in devotion" to her; as being bound "to keep our people in the unity of the Church, our mother." They speak of themselves as "prostrate at the feet of your Holiness in prayers with tears"; and they ask his Holiness to remember "the fervour of Anglican faith, and that the same kingdom has been *especially devoted to the Roman Church*."¹

2. The abbots and priors write speaking of "the Anglican Church" as "the city of God, of whom glorious things are spoken, even to the latest times," and as being "a special member of the Holy Roman Church."²

3. The counts, barons, and magnates, and the whole of England, in the following year, address themselves to what they call "the Apostolic See," calling on her as their mother to cherish her own children, and saying that they have "recourse with confidence to the asylum of your pious affection."³

4. And the King, at the same time, writes to the cardinals speaking of his love for the Roman Church, and his desire for its advantage and honour; whilst to the Pope he writes, "He who knows all, knows that we

¹ Wilkins, i. 694.

² Matt. Paris, *s.a.* 1264, vol. iv. p. 531 (Rolls Series).

³ *Ibid.* p. 533.

always have our mother, the Roman Church, in the bowels of sincere affection," and says that he has recourse to her "as a son to his mother."¹

Thus the whole of England, in its agony at being pressed to contribute unduly towards the needs of its mother, engaged as she was in wresting the Holy Sepulchre from the grasp of the infidel, and in a struggle with the anti-religious efforts of the Emperor Frederic, protested; but its protest differed *toto cælo* from the protest which became part of the religion of England in the sixteenth century. Here, in the thirteenth century, King, archbishops, bishops, and nobility go out of their way to emphasise the fact that, whilst they considered they had a right to protest against a particular exercise of Papal authority in the temporal order, resistance to the supremacy of Rome in the spiritual order would have been, in their eyes, filial disobedience, and a violation of that form of unity and Apostolic rule which Christ Himself had instituted for His Church. And the conclusion for the time being was that, having heard from the Pope, the King could announce to his subjects that "the storm has lulled."

How, then, can the Church of England be said to have adopted a relationship of submission to the Apostolic See as a matter of utility only, and not also of faith, in that thirteenth century? That Church was her mother; she had but a year before said so in public before the whole Church. In the very act of making her solemn complaint about oppression and taxation, at the General Council of Lyons, she opened with these words: "Our mother, the Roman Church, we cherish and love with all our hearts, as we ought; and we aim at the increase of her honour with all possible affection.

¹ Matt. Paris, *s.a.* 1264, vol. iv. p. 533 (Rolls Series).

To her we are morally bound (*oportet*) to have recourse at seasonable times, that the filial grief which weighs upon us may be relieved by a mother's care." They then call to mind the close ties that had ever existed between Rome and themselves. They plead the fact of their continual payment of Peter's pence. This was in 1245.¹

§ 7. *The "Far-off Suzerain."*

Bishop Creighton traces the "attraction of Papal Supremacy as a theory" to that of a "far-off suzerain" — "a remote suzerain with indefinite claims and little power of enforcing them," as affording "an escape from local authority."²

We have already seen that the English Church was penetrated with a profound conviction of the Divine institution of the Papacy. Whether its suzerainty was far-off or not would not have affected that conviction, except as a subsidiary advantage or drawback; but it is at any rate certain, from what has gone before, that owing to the faith of England the power of enforcing its claims possessed by the Papacy was such that the whole machinery of the kingdom could be disarranged by an "interdict." It is, however, worth while asking whether the Pope can be called a "far-off suzerain" in regard to the daily life of ecclesiastical England. We will endeavour to see to what extent she leant on the Papacy for authoritative guidance and rule at the time when, according to Bishop Creighton, she had begun to "prescribe limits to Papal activity."³

We have the power of doing this, owing to the recently

¹ Mansi, xxiii. 639.

² "The National Church in the Middle Ages," p. 9.

³ *Ibid.* p. 10.

published "Calendar of Papal Registers" relating to England, published in the great Rolls Series by Mr. W. H. Bliss. I shall therefore select the year 1226, a date which ought to be favourable to Bishop Creighton, being that which his Lordship selects as the time when "the theory of a far-off suzerain had been put into practice" for some time (*i.e.* during the minority of Henry III., when, *mirabile dictu*, a legate resided in England and conducted many of the affairs of State as well as Church), and when the limits to Papal activity had begun to be prescribed. We will see what kind of matters, according to English ideas, came under the jurisdiction of the Pope. And we must remember that we have to do with no new *régime* and no exceptional circumstances. The applications made to Rome are made as a matter of course, and are a witness to what had been going on at the time when the "far-offness" of the suzerainty had been, according to Bishop Creighton, an irresistible attraction to the English mind. We will take, especially, six months from the reign of the very Pope selected by Bishop Creighton, when England is supposed to have been on the road to its present attitude towards Rome, and from that middle portion of Henry's reign in which, according to the same writer, "the cry was raised of 'England for the English,'" as a prelude to the attitude of Henry VIII. towards the Papacy. The instances given are from the *Regesta* of Pope Honorius III. (Calendar, vol. i.).

In the second half of 1225 the Pope had sent a mandate to the Archbishop of Canterbury and the Papal Sub-deacon, &c., *on the petition* of the Abbot and Convent of Dorchester, for the removal of the body of St. Birinus to a more fitting place in the Church. We have here (1) the Pope regarded by the English Church as the guardian of the bodies of the saints; (2) the Pope acting through the provincial authority, the Archbishop; and

(3) all this at request from England herself. Then came the canonisation of a saint named Lawrence, the Archbishop having made satisfactory investigation as to the occurrence of miracles, through the Bishop of Derry. Presently a Papal mandate authorised four bishops to receive evidence for and against the Bishop of Durham concerning the alienation of some ecclesiastical property, and another settled that the excommunication should be relaxed. These are but selections from the latter part of the year 1225; yet how much these few instances reveal of the intricate relations of subordination and authority between England and Rome!

The year 1226 opens with a Papal injunction and mandate to a count, sent on the *complaint* of the King of England against him. The mandate orders him to return to his fealty, notwithstanding any oath he may have taken to the contrary. Again, at the request of the King, the Pope sends an indult permitting the King's clerk, named Stephen, to hold an additional benefice with cure of souls, and then another exactly similar concerning a second clerk. This is followed by a mandate to the Dean and *primarius* of York to investigate the case of one wishing to be promoted to holy orders in spite of certain impediments, and to act according to their investigation. Soon afterwards there is a permission to the Bishop of Salisbury, *in answer to his request*, to take proceedings against pluralists and other offenders, such as vicars who receive stipends without providing for their cures. Then a licence to the Archbishop of York to summon to his assistance four principal persons when there is need of advice in the affairs of his province for a particular purpose. Then follow various mandates to priors and convents, to the Bishop, Archdeacon, and Canon of St. Andrews; and presently a mandate to the Chancellor, Precentor, and Subdeacon of Lincoln, to compel a prior and convent

in the Diocese of York to restore some land and money simoniacally obtained. All these, be it remembered, were cases that had been laid before the Holy See. Soon there is an indult to the Archbishop of York to grant dispensations to four of his clerks to hold one benefice apiece, owing to the need of grave and literate persons to assist him in his labours, and to the need of support for them. Then comes a faculty to the Archbishop of York, *on his own petition*, to revoke certain alienations of goods belonging to the See, made in his predecessor's time; a mandate to the same about his visitation of the Monastery of St. Mary and his lodging therein; a dispensation to the Chancellor of York to hold a Church, confirming the act of the Archbishop, Dean, and Chapter, in uniting a benefice with the Chancellorship; and, after other letters and indults on similar subjects, we have a monition and mandate to the archbishops, bishops, and other prelates, to the clerks and the lay people in England, concerning the canonisation of St. William of York, at the instance of the Archbishop, Dean, and Chapter, with a remission of forty days' penance to those who visit the Church of York on his feast.

Five years later we have an instance of what often occurred in the management of an archdiocese. In April 1231, Pope Gregory IX. sent a mandate to the Archbishop of York, *at his request and that of the Bishop of Chichester*, to dispense Oddo, his clerk, who had been previously dispensed by Pope Honorius, so that he could hold one additional benefice.¹ It may be said how very unnecessary such arrangements of the details of diocesan work were. But that is exactly where the Church of England differed from our Anglican friends now. She believed in the Apostolic, not simply the Episcopal, government of the Church, and the government of the

¹ *Regesta Honorii, s.a. 1231.*

Apostolic See was an ever-present reality. For the instances given are but samples of the way in which Rome and England were knit together. I have taken only those (and not all of those) that occur in the register of a few months at the very time when the English bishops are supposed by Bishop Creighton to have been treating Papal jurisdiction with ridicule.

It is, indeed, difficult to understand what the Bishop of Southwell and others can mean by saying that England never was dependent on Rome, or how Bishop Creighton can consider that the relation between England and Rome can be accounted for by the natural attraction for a "far-off suzerain," "a remote suzerain with indefinite claims and little power of enforcing them."¹ The intervention of the Holy See in the affairs of England was more decided, and came quicker on to the scene, than that of the Archbishop of Canterbury in the present day reaches one of his suffragans. It took much longer to bring the present Bishop of Lincoln to trial, and to settle the matter of how the service of the Sacrament ought to be conducted in a most important point, than it did to bring Papal action into exercise at the time when Bishop Creighton calls the Pope a "far-off suzerain." And the acts of the Pope were seldom *proprio motu*: they were called for by the King, archbishops, bishops, abbots, and clerks having recourse to what they called "the Apostolic See." It has been well said of the Papal action in the thirteenth century that "the mandates are answers to appeals, and the indults and faculties are answers to petitions, in which the English bishops, abbots, and chapters themselves took the initiative. They are in nearly every case the first to invoke the exercise of the Pope's authority; and it is childish to suppose that they would have invoked and obeyed an authority in which

¹ "The National Church in the Middle Ages," p. 4.

they did not believe, and which they did not conscientiously recognise. We might well apply to the mediæval English Church the unanswerable remark of the Protestant writer Kemble, when speaking of Papal jurisdiction as shown by the gift and acceptance of the pallium in the Anglo-Saxon Church. He says: 'The question is not whether the Roman See had the right to make the demand, but whether—usurpation or not—it was acquiesced in and admitted by the Anglo-Saxon Church, and on that point there can be no dispute.'¹

Now, this recourse to Rome could not have been suddenly arrested without some trace of such a stoppage being left on the history of the period. But there is no such trace. During the struggle between the King and the barons, English people were too much occupied to be perpetually recurring to Rome; but we have seen that, nevertheless, the same principle, the same doctrine, as to the supremacy of the Holy See pervaded English life.

§ 8. *Bishop Grosseteste's Letter.*

The ecclesiastical situation cannot be better summarised than by pointing to Bishop Grosseteste's attitude towards the Holy See. We have in his conduct an accentuated instance of the distinction between a repudiation of Papal Supremacy and resistance to some form of its exercise. And a summary of his doctrine is to be found in his famous letter to the Papal Notary, Innocent, and to the Archdeacon of Canterbury.² If ever there was a prelate who had the courage of his convictions, it was this

¹ Cf. *Dublin Review*, October 1894, Art. x.; and Kemble's "Saxons," ii. p. 371 *note*.

² Cf. *Burton's Annals*, p. 311 (Rolls Series). See Robert Grosseteste, by Mgr. W. Croke Robinson.

sturdy Bishop of Lincoln; and if ever there was a letter which breathed strong conviction in every line, it was that which he wrote to that Pope concerning the proposal to give a certain benefice in his diocese to a minor. Canon Perry ("Student's English Church History," Period I., p. 346) calls it "a letter which must be ever memorable in English Church history, and which laid the foundation for the bold protests of Wycliffe, and for the national recoil from Rome of the sixteenth century."

Now, in this letter, vehement as it is against the actual working of Papal provisions, the Bishop appeals to Innocent's knowledge of himself as an obedient subject of the Apostolic See—"I obey as a son, with all devotion and reverence, Apostolic mandates;" and he says that "Apostolic mandates are not and cannot be other than consonant and in conformity with the teaching of the Apostles and the Lord Jesus Christ Himself, whose *typus* and person the Lord Pope especially bears in the ecclesiastical hierarchy. For our Lord Jesus Christ Himself says, 'He that is not with Me is against Me'; but *the most divine sanctity of the Apostolic See is not and cannot be against Him.*" The Bishop calls the power of the Pope "the greater and more divine power, divinely committed to him for edification." Here is clear doctrine, which severs the teaching of Grosseteste by an impassable chasm from that of the Church of England since the days of Henry VIII. and Elizabeth. Canon Perry recognises this in one part of his criticism on Grosseteste's letter; for he says, "No recoil is here made from the Pope's mandate upon Church principles [*i.e.* those Church principles which Canon Perry and Anglicans generally hold], and the plenary authority of the Apostolic See is fully recognised." In fact, the Bishop says, "The most holy Apostolic See, *to which every kind of power has been delivered by the Holy of*

Holies, the Lord Jesus Christ, for edification, as the Apostle witnesses, and not for destruction, *cannot* command or teach anything verging on such sin," *i.e.* as killing souls through misuse of the pastoral office; "neither could he who is subject and faithful to the same See with spotless and sincere obedience, and is not cut off by schism from the same See, obey such commands." Certainly the Bishop's idea of schism and obedience is not based on "Church principles" as understood by the present Church of England: it is the exact contradictory; for according to those principles the Bishop of Rome hath no jurisdiction in this realm of England (Art. 37), whereas, according to Bishop Grosse-teste, that jurisdiction is of Divine origin and appointment. The reason he gives, by way of reiteration, for resisting the particular appointments proposed, is "the duty of obedience and fealty to the most holy Apostolic See, by which I am bound, and my love of union with her in the body of Christ; . . . all my action and speech in this matter is neither contradiction nor rebellion, but the filial honour due by Divine command to father and mother." The supreme Pontiff was his spiritual father, the Church of Rome his spiritual mother. And so he says that, "briefly summing up, I say that the sanctity of the Apostolic See cannot decree anything except what is for edification, and not to destruction; for this is the fulness of power, to be able to do all things for edification." So that he concludes from this principle which he repeats throughout his letter, that the particular kind of provision of which he speaks (he is not speaking of all Papal provisions—that would be a gross exaggeration, and is not contained in his words—but such as this under question) could not come from the Apostolic See, "for flesh and blood, which will not possess the Kingdom of God, has revealed them,

and not the Father of our Lord Jesus Christ, who is in Heaven." This is a dexterous application of the promise to Peter, whose is the Apostolic See.

In fact, Bishop Grosseteste's language is in perfect accord with the Vatican decree. According to that decree, there is a region within which the Holy See is secure of infallible guidance, and within which her decrees are binding on every Christian man. But there is a large region of action where this necessity of obedience under pain of sin ceases, and Grosseteste explains that he is acting in such a matter, and that in the subject-matter of his resistance he is dealing not with the Apostolic See, *quâ* Apostolic, but with things in which the rights of conscience are supreme. Canon Perry's criticism, that "by the declaration that the minister of Christ might become Antichrist, and by the strong condemnation of the iniquity of the act in question, the Bishop takes up ground which is suggestive of, and introductory to, a more complete and systematic rejection of Papal authority," must have been indignantly repudiated by Bishop Grosseteste himself. The Bishop could reply that he had expressly said that the Apostolic See could not become Antichrist, and that it was on this very ground that he contested the decree as not that of the Apostolic See in the true sense. He could have pointed to his emphatic declaration of the duty of obedience in general to that See—of the power it possesses by the gift of Heaven—of his definition of schism as separation from the Apostolic See, and of his very earnest and reiterated assertions of his filial relationship to it. Indeed it is difficult to imagine how Canon Perry reconciles the idea of this letter of Grosseteste being an anticipation of the teaching of Wycliffe and the catastrophe of the sixteenth century, with his own admission that "no recoil is here [in this letter] made from the Pope's man-

date on Church principles [*i.e.* Anglican principles], and the plenary authority of the Apostolic See is fully recognised." The difference between Grosseteste's principles and the "Church" principles alluded to must be considered vital, unless there is no vital difference between Roman Catholicism and Anglicanism; and if there is a vital difference, the one cannot be the parent of the other. It is, therefore, not historically accurate to head the chapter, in which the letter from Honorius III. and this letter of the Bishop of Lincoln figure so largely, with the words simply, "The reaction against Rome." It is only by confusing the issue that this can be maintained as a proper description of the events of the reign of Henry III. Opposition to Rome in matters that concern her temporal overlordship, or the exercise of supremacy in its accidental features, and opposition to Papal Supremacy in its essence as of Divine institution, are two vitally different things; and the two should not be shuffled about to do duty one for the other. Canon Perry endeavours to effect a climax by asserting that Bishop Grosseteste "followed up this letter by one addressed to the nobles of England, the citizens of London, and the commons of the whole kingdom." But this latter was written a year before the letter to Pope Innocent.

There is, indeed, nothing in this letter that goes beyond what Grosseteste said at the Œcumenical Council of Lyons, where, nevertheless, he stood with lighted taper in hand side by side with the Continental bishops, as the tremendous Papal sentence against Frederick II. of Germany was fulminated, and, in token of agreement, every taper was suddenly extinguished and dropped to the ground.¹

¹ Mansi, xxiii. 643.

Certainly it could be no idea of a "far-off suzerain" that attracted Bishop Grosseteste. He bases his conviction of the utility of Papal Supremacy (for, in spite of his protest in this particular matter of an appointment of a minor by provision, he does again and again speak of its utility) on the ground of the Church's interpretation of Holy Scripture—in a word, he believed it to be an institution due to our Lord Himself. It does seem high time that this constant reference to Grosseteste as a precursor of the Reformation should be given up. It was more excusable when his writings were less easy of access; but now that every one can read them, it is no longer common fairness to quote a passage or two, and ignore the lifelong witness which the great Bishop of Lincoln bore to the Divine institution of the See of Peter as the source of jurisdiction to the whole Church. Bishop Stubbs long ago admitted this fact in his "Constitutional History," but his example has not been widely followed.¹

The sum and substance of the matter is this. It would need an act of pure creation to introduce the attitude of Cranmer and Elizabeth towards Rome into that thirteenth century; no amount of natural evolution would transform the belief of England in the reign of Henry III. into the system inaugurated by the preamble of the Act of Henry VIII. (to which Bishop Creighton refers), and expressed in the "Article of Religion" of the Church of England, which says that "the Bishop of Rome hath no jurisdiction in this realm of England" (Art. 37).

¹ Bishop Grosseteste is claimed on behalf of Anglicanism more than once in the recently published "Lectures of the Church Historical Society," *e.g.* by Professor Collins, pp. 49 and 51. For Grosseteste's letters, see the *Chronicles of Great Britain* (Rolls Series).

CHAPTER VI

BISHOP CREIGHTON'S ACCUSATION AGAINST POPE HONORIUS III.

§ I. *The Accusation stated.*

BUT the Bishop of Peterborough, by way of establishing his thesis that the Church in England "admitted the Papal jurisdiction on grounds of utility, and then passed through a long period in which it discovered that that jurisdiction was dangerous to Church and nation alike," appeals to an incident in the reign of Henry III., which, he thinks, proves that a consciousness of the mischievous tendencies of Papal Supremacy had already dawned upon the mind of the English Church. The discovery had been made, which only needed the circumstances of the sixteenth century to bring it to a practical issue.

His account of the incident is as follows: "Already in 1226 a nuncio had to answer complaints in Parliament about the corruption of the Roman Curia, and the Pope confessed that much scandal and infamy was deserved. But he pleaded that this came from his poverty; if he were decently rich he could afford to be upright. Let me quote the letter of Pope Honorius III.: 'For the entire rooting out of this scandal we have provided a form, to which if you are willing to consent you can free your mother from scandal, and obtain justice in the Roman Court without need of gifts.' The modest proposal contained in the

accompanying form was that two prebends in each cathedral and conventual church should be granted to the Pope. It is not surprising that, when the letter was read in Parliament, 'each man made merry with his neighbour over the greed of the Romans'; and the King answered: 'This concerns the whole of Christendom. When we, who live in the ends of the earth, see how other nations behave towards such exactions, we will discuss the matter.'"¹

According to this account of the matter, it would seem (1) that the English took the initiative in examining the Papal legate as to the corruptions of the Roman Curia; and (2) that the Pope pleaded guilty to the miscarriage of justice on his part by reason of his poverty—"if" (such is Bishop Creighton's explanation of the Papal letter), "if he were decently rich he could afford to be upright."

I hope to show that the Bishop's interpretation is absolutely unfounded.

But in view of the radical and general misconceptions as to the Papal claims in this matter of taxation, it will be well to describe the situation first, and we shall then see better what is the value of the incident described by Bishop Creighton.

§ 2. *The General Circumstances.*

The Popes of the Middle Ages had to carry on a tremendous struggle for the independence of the Church, not merely of the Papacy, but of the Church at large. The weapon by which, of all others, they withstood emperor, duke, or count, was the power of excommunication

¹ "The National Church in the Middle Ages," pp. 6, 7.

which they held in their hands. Men believed in the "Apostolic See"; and the Popes could rely on a sufficient amount of the fear of God in their fellow-men, and of belief in their own jurisdiction as the successors of the Apostle Peter, for that weapon to be of some avail. Consequently, at the time of which I am now speaking, the thirteenth century, the Popes had become the centre, not only of religious and moral effort, but of political and civil order. From Rome issued all over the world streams of beneficence and instruction; the universities were closely connected with the Apostolic See; the ransom of slaves, the equipment of missionaries, the struggle against the Turks, the attempts to keep the Greeks within the unity of the Church—of all this Rome was the centre and mainspring. At this time two great religious orders were carrying their missions of mercy and edification far and wide, and they, too, had their close relations with Rome as her obedient children, for they were the sons of St. Dominic and St. Francis.

In the preceding period "the Papacy," says a Protestant historian, "had united in one common bond the different European nations, furthered their mutual intercourse, and become a channel for the communication of the sciences and arts; and without it the fine arts, doubtless, would not have attained to so high a degree of perfection. The Papal power restrained political despotism, and warded off from the rude multitude many of the vices of barbarism." And at the time of which I am speaking, the Holy See was in active relations with the whole civilised world, and not least with our Northern communities. In 1219 the Isle of Man asked this same Pope Honorius to extend to it "that privilege and protection which you concede to other kings who pay the tax and are vassals to the Roman Church." In the following year, Honorius threatened with excommunication all

who should attack Denmark, on the ground that that country had placed itself under the special protection of the Holy See ("ad Romanæ Ecclesiæ jurisdictionem noscitur pertinere"). I may remark in passing that it is hardly less than absurd to talk of ambition as the key to all this. It has been well said that the sovereign power wielded by Rome at this period was due to her position, not to her will (Michaud).

Now all this religious and political activity necessitated a vast administrative mechanism—indeed, a perfect network of offices and departments. In other words, the enormous work thrust upon the Papacy by a Christendom which never ceased to call it "the Apostolic See," involved a *Curia*, with all the expenses that belonged to a court. And not only the expenses; for since the *Curia* has to consist of men, and the various departments of the administration have to be filled with gradations of office, and, moreover, gradations of pay, the consequences are obvious. Neither the subordinates nor the heads of departments, though they be concerned in a saintly work, are necessarily saints. Neither can the work of the Church be allowed to stand still for the want of saints to work its administrative machinery. What we might expect, therefore, would be corruption, ever and anon, finding its way into this centre of religious and political activity, and reflecting amongst its officials the vices of the day. But at the same time one would expect to find, ever and anon, serious, and indeed to some extent successful, efforts to stay the corrupt influences always at work. And the true reformer would be intent not on altering the structure of the Church, but on recalling those who had to do with its activities to greater purity of life. This was the method of a Grosseteste of Lincoln. He could declaim against and oppose the selection of an unfit

candidate for an office in his diocese, even when it came from a Pope; but he was careful to emphasise the fact that the See of Peter had been divinely commissioned to govern the Universal Church.

§ 3. *The Particular Circumstances.*

Such was the general feature of the times. But the particular circumstances under which Honorius made the proposal to which Bishop Creighton refers, were these. After heroic endeavours to unite Christendom in the work of ransoming the sepulchre of our Lord, and of rescuing the eastern Christians from the terrors of the advancing infidel, he had induced Frederic II. of Germany, the most powerful potentate in Christendom, to take the cross, and to vow that he would reckon himself justly excommunicated if he did not lead his forces against the infidel within two years. This was in 1225.

It was in the breathing-time thus afforded that Honorius sent a general demand for the consideration of the various states, as to a way of stopping certain scandals in the Roman Curia. Honorius had occupied an important office in that Curia under his predecessor, Innocent III., and had filled it by universal acknowledgment with ability and integrity. He had been what we should now call Chancellor of the Exchequer; and it is to him that we owe a revised edition of the *Liber Censuum*, the great register containing the dues of the Holy See throughout the world. He had been in this high position when the last General Council met, the third Lateran; and at the end of that Council the question had been raised as to the advisability of imposing a tax on the various provinces of the Church for the support of their universal Mother. A large number

of prelates of the highest character had proposed that the various Christian states should co-operate in providing the Holy See with a settled income for the immense body of officials, whose maintenance was necessary for her work. But the Pope (Innocent III.) had himself decided that the matter should be deferred, lest it should seem as if the Council had been convoked for that purpose. Honorius, however, considered that the time had come for reverting to the question of thus supporting the Holy See, in accordance with the weighty opinions given on the subject in the Council of 1215.

Now, whilst there were good general reasons, as Giraldus pointed out, why the children should support their mother,¹ there were also special reasons why England should be foremost in this matter.

In a very remarkable history of English law before the time of Edward I., recently published by Sir Frederick Pollock, Professor of Jurisprudence in the University of Oxford, and Dr. Maitland, Professor of the Laws of England in the University of Cambridge, the learned authors remark (p. 93), that in the Middle Ages "the whole of Western Europe was subject to the jurisdiction of one tribunal of last resort, the Roman Curia. . . . The Pope was far more than the president of a court of appeal. Very frequently the courts Christian which did justice in England, were courts which were acting under his supervision and carrying out written instructions. . . . Each separate Church might have its customs, but there was a *jus commune*, a common law of the Universal Church. In the view of the canonists, any special rules of the Church of England have hardly a wider

¹ Giraldus suggested the very plan proposed by Honorius. He insists strongly on the duty of daughters to support their mother—*i.e.* the daughter-churches to support the mother of all, *viz.*, Rome (*cf. Speculum Ecclesiæ*, Dist. iv. cap. xix.).

scope, hardly a less dependent place, than have the customs of Kent or the bye-laws of London in the eyes of the English lawyer. During the time with which we are now dealing, the twelfth and thirteenth centuries, no English canonist attempts to write down the law of the English Church, for the English Church has very little law save the law of the Church Catholic and Roman. When in the next century John de Athona wrote a commentary on the constitutions made by certain Papal legates in England—those which Cardinal Otho decreed in 1237, those which Cardinal Ottobon decreed in 1268—he treated them as part and parcel of a system which was only English because it was universal, and brought to bear upon them the expositions of the great foreign doctors. . . . On the other hand, a large portion of this universal system was in one sense specifically English. England seems to have supplied the Roman Curia with an amount of litigation far larger than that which the mere size or wealth of the country would have led us to expect. Open the Gregorian collection where we will, we see the Pope declaring law for English cases” (p. 95). “From the middle of the thirteenth century onwards a mass of litigation, of litigation, too, which in no sense can be called ecclesiastical, was handed over to tribunals which were often constituted by Papal rescript, and from which there lay an appeal to the Roman Curia” (p. 111).

§ 4. *Honorius' Letter.*

Such was the position of things when Honorius ascended the Apostolic throne. There was a special reason why he, in particular, should attempt a reform. In the high financial office which he held for some twenty years under his predecessor, he had reason to

be specially cognisant of any evil reports concerning the expenses connected with the administration of justice in the Curia. Accordingly, in his letter from which Bishop Creighton professes to quote, he speaks of these evil reports. He says that they had their origin in the evil tongues of people who came to Rome and *spent on their pleasures* what had been assigned to them for the necessary expenses of their work as proctors from the various provinces. He accordingly sent his legates to the various countries to urge them to agree to a certain proposal, which I shall show was not what Bishop Creighton states it to have been, and which involved no "greed" whatever, and certainly no admission of miscarriage of justice. He speaks of these officials as followers of Gehazi. Now, Gehazi induced Naaman to give him a gratuity contrary to the wish of the prophet Eliseus, and his act by no means involved the prophet in a miscarriage of justice; neither did it involve the consequence that the office of the prophet should be done away with.

Bishop Creighton, however, gives us as historical fact an account in which all turns on the "greed of the Romans," amongst whom Honorius himself is included.¹ But where did the Bishop find this account? It is to be seen in Matthew Paris, the chronicler, that most untrustworthy monk of St. Albans. But Matthew Paris copied it word for word from Roger de Wendover. And who

¹ Even if Bishop Creighton's account were correct, "the greed of the Romans" would not necessarily involve the Pope. In 1262 Urban IV. wrote to the Archbishop of Canterbury, and spoke of himself as "daily wearied with the importunate clamours of creditors, and especially of the Romans, to whom the Church herself is known to be in debt for a very large sum" (Vatican Archives, Reg. No. 27, January 23, 1262). And Honorius' immediate successor, Gregory IX., had been compelled to leave the city in consequence of the opposition of the Romans. The Bishop's inference is therefore quite fallacious.

was Roger de Wendover? He was a contemporary of Honorius, also a monk of St. Albans. But he was not historiographer when the scene at Westminster occurred which Bishop Creighton has described. He only began his work in 1231. We do not know to whom we are indebted for the account of the fifteen years or so before that date, which includes 1226. We naturally ask, Was the story of the laughter of the prelates, the record of an eyewitness? or was it gossip that reached the monastery of St. Albans? Is the deposed Prior of Belvoir, our friend Roger de Wendover, on his return in penance to St. Albans, quite a trustworthy informant as to what took place, when he was squandering the money of his Order, which led first to his deposition, and then to his appointment (perhaps by way of penance¹) as historiographer in succession to the monk Walter? Surely before such great issues are decided by such incidents we need to be safer as to our authorities.² If we had only Roger de Wendover's account, which is all that Bishop Creighton appears to have had, we could only fairly conclude thus much: viz.—(1) that a letter came from Pope Honorius, with a proposal about his having the use of certain benefices; (2) that a council met on the matter at Westminster; and (3) that it deferred any conclusion for the present. This is history. But this involves no such attitude towards the spiritual supremacy of the Pope as could by any stretch of language be called rejection in principle or germ. But even Roger de Wendover is not responsible for Bishop Creighton's assertion, that "a nuncio had to answer complaints in

¹ So Sir Thomas D. Hardy, in his "Descriptive Catalogue," &c., vol. iii.

² Mr Green, in giving his authorities for the thirteenth century, says that Roger de Wendover, "though full of details, is inaccurate."

Parliament about the corruption of the Roman Curia, and [that] the Pope confessed that much scandal and infamy was deserved." This is in direct contradiction to our authorities. It was, according to Wendover and Matthew Paris, the Pope who initiated the matter.

But in every other particular which the Bishop has retailed, Roger de Wendover himself stands convicted of complete misrepresentation. He could not have seen Honorius' letter, as neither can Bishop Creighton have seen it. Roger has simply given us a little ill-natured gossip with the usual result, namely, false statement. Honorius did not write anything like the words quoted by Bishop Creighton. He did not urge the plea, that "if he were decently rich, he could afford to be upright." This is not in his letter. He insisted very emphatically on the want of truthfulness in attributing to the Holy See what was due to the ill behaviour of foreign proctors and some of his officials. He called it "detraction," and attributed it to "prurient ears" and "evil tongues."¹ Neither did he even allude to any miscarriage of justice. When Bishop Creighton says, "Let me quote the letter of Honorius III.," he is simply reproducing the detraction of Roger de Wendover, repeated, as such a heap of ill-natured fabrications were repeated, by Matthew Paris.

The letter of Pope Honorius to England is to be found in the history of the Church of Salisbury in Wilkins' *Concilia*, i. 558; in the Register of St. Osmund (Rolls Series), vol. i. p. 366; and the corresponding letter to the Bishops of Gaul, in Martene's *Thesaurus Novus Anecdorum*, i. 929 (Paris, 1717).² The main

¹ "Ad miserabile mendacii subsidium recurrentes . . . 'detractoribus' obrepebat occasio . . . latra dolosa . . . lingua maliloqua."

² This should be collated with the one sent to England, in order to see the meaning of one or two phrases.

point of the letter consists in this, viz., that proctors from foreign countries, such as England, used to come to Rome; spend money given to them for necessary expenses on their own pleasures; tempt the officials of the Curia, and then complained of their grievous charges. He says he had seen this himself.¹ One can easily imagine the results. In consequence, as the Pope says, the matter had been mooted at the last General Council (1215), and many prelates of worth² had proposed that the various provinces of the Church should raise a settled income in support of their mother, the Holy See. As Honorius says, and it was the strict truth, the Holy See was occupied with the "necessities of the children."³ It was but fair, therefore, that the burden of this enormous administration should be borne in part by those children of the Church who caused it, and that it should not depend on the gratuities of proctors, or the charges, arbitrary, or even authorised, made by officials. The Pope therefore, by way of giving effect to this wish of the prelates, expressed in a General Council, asks for the patronage or proceeds of certain benefices. Roger de Wendover *exaggerates the amount* asked for, and Bishop Creighton follows suit.⁴ It is not, however, only in this that the account of Roger de Wendover halts. Mansi,

¹ "Multoties et audivimus et vidimus."

² "Quamplurimos ecclesiarum prælati, magnique testimonii viri."

³ "Occupationibus multis et magnis involvitur pro necessitatibus filiarum." The Pope likens some of his officials to Gehazi. Would Bishop Creighton accuse the prophet Eliseus of lack of integrity because he had to own that his servant had asked for money from Naaman behind his master's back?

⁴ It was not *two* prebends from every cathedral church, but one prebend from each, and the bishops were to give, instead, "according to their means" ("secundum facultates suas").

in his notes to Raynald's "Annals," shows how he, or, which is the same thing, Matthew Paris, has completely misrepresented the transaction of the same matter in France, jumbling up dates, and adding impossibilities.¹ We may therefore take leave to doubt the truth of the story reproduced by Bishop Creighton about the giggling prelates, since it would show a levity which certainly the young King himself did not evince.² He quite rightly guarded his own domain, and took care that no secular property of his own should be devoted to the purpose of the Pope's proposal. And he decided that the matter was worthy of discussion. He did not say, even according to Roger de Wendover, what Bishop Creighton makes him say; for his lordship's quotation substitutes the words "we will discuss the matter," for a much more important declaration in the original, viz., that "the Lord Pope, when we shall have had the example [of what to do] set by other kingdoms, will find us *more ready* in obedience to him [*in obsequiis suis*] *than others.*" These words would not have scounded so well in the ears of the Norwich Church Congress; but they are the words of the original, which the Bishop professes to give. They are, moreover, words which take the whole sting out of the incident. For the proposal of the Pope could not have been treated merely as an instance of the "greed of the Romans," if in England

¹ Raynald, "Annals," A.D. 1215; ed. Mansi, note 1, p. 555.

² Of course, one bishop *may* have nudged another and spoken of the "greed of the Romans"—*i.e.* officials and others whom the Holy See was compelled to use, and whose greed in no way compromised the Holy See itself. But, considering the untrustworthy character of Wendover's account in other respects, we are not on historical ground in the details of his report. Further, Bishop Creighton's description belongs in part to what took place in France, and not in England at all. He has confused the two accounts.

they were prepared to accept it, supposing that other kingdoms did the same, and to accept it with a readier obedience than others.

The letter of Honorius ends with a proposal to prevent in the future any undue bestowal of benefices on foreigners. It is a letter which exactly tallies with the character always assigned to that Pope—that of mildness, justice, and financial ability.¹ Certainly there is not in this business between England and Rome a germ of independence in regard to Papal jurisdiction, such as could have produced the separation between Henry VIII. and the Holy See by the growth of a thousand years.

What the Church of England ended in doing in respect to the request of Pope Honorius was to plead that her payments, according to the terms of her settlement under King John, absolved her from the necessity of further aid to the Holy See, whereby (Bishop Stubbs remarks) she saved her credit at the expense of her dignity. This, of course, would only be the case from an Anglican point of view, which was not hers. Throughout this reign, whilst she did indeed protest against particular suggestions and requirements of the Pope in financial matters when the good of Christendom seemed to demand some aid from the children to her mother, she nevertheless disclaimed any wavering in her allegiance to the supremacy of the Apostolic See over all Churches in the spiritual sphere. It is this fact which cuts up by the roots the Anglican contention as to continuity; it is in ignoring this fact that Bishop Creighton has proved nothing to the point between us—nothing as to the continuity of the present Church of England with the Church of the thirteenth century in this land.

¹ The money raised for the Crusades went, not through the usual channels, but straight to its destination.

CHAPTER VII

THE QUARREL ABOUT PATRONAGE

"THE Church," says Bishop Creighton, "so far as it was the organ of the nation, passed through the same process [*i.e.* as that by which the nation was formed]. It was part of Western Christendom, just as England was part of Europe. So far as its institutions were part of a universal order, they were unalterable; so far as they concerned the relations of England to foreign countries, they were determined by national needs. About these matters Churchmen were not allowed to have their own way. The strongest instance of this is given by the events of the year 1428, when Archbishop Chichele was so pestered by Pope Martin V. to abolish the statutes which prevented the Pope from disposing of benefices in England, that he and the Archbishop of York pleaded the Pope's cause before the Commons. With tears in his eyes the Archbishop urged the danger of withstanding the Pope. The Commons were not moved by his pathetic eloquence. They only sent a petition to the Council, representing that the Pope had acted to the prejudice of the Archbishop and of our 'aller mother, the Church of Canterbury.' They had their mother Church at home, and not even its Archbishop should induce them to diminish its independence, which was likewise their own." ("National Church in the Middle Ages," pp. 9, 10.)

The key to the position taken up by Bishop Creighton

in regard to Continuity seems to lie in those words: "About these matters Churchmen were not allowed to have their own way." "These matters" were, as the Bishop has just explained, not such institutions as were "part of a universal order," for these, he says, were unalterable; but they were matters which "concerned the relations of England to foreign countries"—*i.e.* to Rome. The point of his argument is that the Papal Supremacy is to be numbered amongst these alterable foreign relations. He is endeavouring to prove that "the Church in England, while retaining its own continuity in all essentials, admitted the Papal jurisdiction on grounds of utility, and then passed through a long period in which it discovered that that jurisdiction was dangerous to Church and nation alike" (p. 11). And as his strongest instance that in this matter of her relation to Rome she proceeded upon the principle that there was no question of faith involved, but only a question of utility, the Bishop here adduces the quarrel between Chichele and Martin V. about the Statutes of *Provisors* and *Præmunire*. How far the Bishop is correct in his account of this particular affair, I shall examine presently; but the whole question of the meaning of those statutes is so important, and, indeed, is just now so much the Achilles of the Anglican argument, that I shall first give a short history of them, and then proceed to deal with Bishop Creighton's presentment of the matter.

The first Statute of *Provisors* was passed in 1351. It concerned the question of patronage. It was a protest against the unrestricted appointment of foreigners to bishoprics and other benefices. The Pope, in presenting in advance, was said to *provide* them; and when he intimated his intent to provide to a benefice, it was said to be *reserved*. The person thus provided, or appointed,

was called the *provisor*. The ground on which the statute went was the danger to the kingdom, if those who, from their high position, were the natural counsellors of the King, belonged to other countries; and also the financial difficulties involved in the withdrawal of money from the realm by the foreigners whom the Pope appointed, or "provided." Besides these grounds of complaint, there was also the disadvantage of having foreigners to minister to the people. Foreigners, said the Commons in 1347, cannot help their spiritual subjects in "preachings and confessions."¹ But there can be no doubt to any one who carefully reads the Parliamentary records of the half century, from 1307-1353, that it was the money question that lay at the root of the quarrel. Indeed, the note had been struck at the end of Edward I.'s reign, when, as Mr. Green remarks, "Need [of money] drove him on his return from Scotland in 1297 to measures of tyrannical extortion, which seemed to recall the times of John."²

And possibly, if Edward III. had not wasted such a profusion of money on his foreign wars, we should never have heard of the Statute of *Provisors*. The two Statutes of *Provisors* and *Præmunire*—the latter first passed two years after the former (1353), declaring the forfeiture and outlawry of those who sued in foreign courts for matters cognisable in the King's courts—were not, on any theory, creditable acts. For (1) they were promoted by men who persistently avowed their belief in Papal Supremacy, and passed in the teeth of Episcopal protest. Now, although the statutes were not a denial of that supremacy, they were inconsistent with that perfect loyalty which becomes children towards their parent, as the framers professed themselves to be. And

¹ "Rot. Parl." ii. 173.

² "Hist. of Eng. People," vol. i. bk. iii. p. 318.

(2) consequently they were obeyed or disobeyed (the latter most often) as circumstances seemed to demand. Considering the language of the Statute of *Præmunire*, this must be considered a blot upon our English Statute-book.

It is true, as Bishop Creighton remarks, that "the royal armoury was stocked with weapons which Henry VIII. used to surprising effect"; but it will be seen that Henry VIII. thus linked himself on to what had been condemned by the Church in England.

In considering, however, the bearing of these statutes on the subject of Continuity, the important point to be borne in mind is that, whatever any one else may think of the attitude of their framers, they themselves did not consider that they were interfering with the supreme government of the Pope over the whole Church in matters of faith or spiritual discipline. Pope Martin V. considered that they did trench upon his prerogatives; but the English kings and Parliament persistently denied the accusation. Perhaps it may be safely maintained that there was something to be said for each side in this quarrel as a whole. The following facts will help us to form some estimate of what is to be said on either side.

It is usual to trace an anticipation of the Statute of *Provisors* in the petition to the Pope formulated in the Parliament of Carlisle in 1307.¹ In that petition our ancestors speak of themselves as the "clergy and people of the said kingdom, genuine professors of the Catholic faith, who, as children of devotion, reverence you and the Roman Church, and are full of fervent zeal for your name and honour [=office]." They complain of the burden laid upon the kingdom by the residence here (*commorantes*) of Papal nuncios and agents. They say

¹ Stubbs' "Const. Hist.," iii. p. 353.

that they hold that "the Christian faith and those things which have respect to the spread of the observance of the faith itself and to the duty of Divine worship are *governed by your ministry.*" This is a declaration of faith which must not be lost sight of in all that follows. Their faith was at this time in diametrical opposition to that which is now held by Anglicans: the Pope was in matters of faith and worship the ruler of the Universal Church. But, further, they proceed to say that "the said Church [*i.e.* of Rome] is the mother and mistress of all the faithful." Here, then, is a consideration which is to condition and interpret all that they may say. It is not to be supposed (so they virtually tell us) that they are trenching upon the doctrine of Papal Supremacy. That was no matter of mere utility, but of faith. They then say that they feel sure that it is not the Pope's intention that they should in any way be crippled by "undue oppressions"; but that they are sure he has the will to guard them from such evils. They feel that he has not taken in their condition, or he would be the first to relieve them. They plead the immemorial payment of Peter's pence—paid, however, under a certain form, which the commissaries of the Pope were then (they complain) endeavouring to exact in a new way. They speak of the diversion of funds meant for the Holy Land; and, finally—a point which became of supreme importance—they protest against certain contracts being added by which "many causes belonging purely to the King's Court are brought before the said commissaries, to the prejudice of the King's dignity." Again, whereas hitherto the Church of Rome had one clerical agent for the despatch of its business in England, now (they say) there are four.¹

¹ "Rot. Parl.," i. 207, 208. The expense of Papal commissioners billeted on the people was considerable.

Again, in a petition against the commissary of Clement V. (William de Testa) and his commissioners, they state their grievances in language which, as Bishop Stubbs has said, "subsequently became classical, and was adopted in the great Statute of Provisors." They speak of the "Holy Church" as having been founded "in all these estates of prelacy in this kingdom by the King and his ancestors for them and the people"¹—words which have been often misunderstood, but which simply mean that the *benefices* of the *various ranks* of the hierarchy were founded for the advantage of the English, and not for foreigners. As the previous quotation shows, their words were in no way meant to favour the idea of an independent national Church: they merely avowed the principle of the nation benefiting by the *endowments* of the past.² They again complain of cases being drawn from the King's Court to that of the Papal commissary—cases, that is, which properly belonged to the former—and of Peter's pence being collected according to the will of the commissary, not in the form hitherto usual. In all this there is not a vestige of intentional rebellion against the supremacy of the Pope in matters of faith or recognised ecclesiastical discipline. So far it is beyond dispute that, as a Protestant writer has said, "it would be a mistake to suppose that the King and English people desired at this time to put a complete stop to the Pope's power of appointing by provisions; . . . it was felt to be reasonable that the spiritual

¹ "Rot. Parl.," i. 219.

² Bishop Stubbs ("Const. Hist.," iii. p. 354) is not quite fair in his summary of this passage: the Parliament did not simply state (as he puts it) "that the Church in this realm was founded by the King and his ancestors," &c.; but it was established in various ranks—alluding not to the orders of the ministry, but the various degrees of rank which were accompanied with endowments.

head of the Church should share in the disposal of its dignities and benefices.”¹

The matter now slept until the reign of Edward III. It was in the nature of things that, in carrying out his grandfather's programme further and reducing customs to fixed law, and in the endeavour to settle the relations of the various estates of his realm, he should enter upon the question of ecclesiastical patronage. His famous saying to the Pope, that his Holiness was set to feed, not shear, the sheep, expresses at once his belief in the Divine institution of the Papacy, and the matters on which he was prepared to oppose its action. In point of fact, Edward III. wished to keep the shearing to himself. His monstrously lavish expenditure on foreign wars made him keenly alive to the withdrawal of the sinews of war from the country, which certainly resulted from the way in which the Papal provisions were often made. The “Rome-runners” as they were called—men who went off to Rome to get appointments for themselves and others—increased the confusion. And it was to the interest of the baronage to keep the patronage of benefices as much as possible in their own and the King's hands; so that, whilst no one dreamt of supposing that certain ecclesiastical arrangements could be effected without the action or confirmation of the Pope—such as the transference of a bishop to a new diocese—the difficult question of how far the Pope, as spiritual head of the Church, was justified in intervening in matters into which endowments entered, not unnaturally occupied the thoughts of King and Parliament.

The action of Edward in another matter complicated the whole question. Until his reign the position of the Pope as temporal overlord had been recognised by the

¹ “England and Rome,” by T. D. Ingram, LL.D., Barrister-at-law, 1892, pp. 104, 105.

payment (or the theoretical acknowledgment of duty in regard to the payment) of the tribute agreed upon by John. But Edward abrogated, or at any rate disowned, this relationship of vassalage. Henceforth the English people looked upon themselves as bound to Rome only in the spiritual and not in the civil order, the former tie being recognised as binding through Divine institution. The effect of this step naturally involved a tendency to look with different eyes on the whole question of patronage.

Under these circumstances an act of Clement VI., in 1342, was calculated to fan the flames of discontent into a blaze. He conferred certain English benefices on some of his cardinals. As we have already seen, strict justice required, and England always recognised it as just, that she should contribute something towards the maintenance of those departments, over which cardinals presided, which were devoted to the needs of the children throughout the world. But the King refused to acknowledge the power of the Pope in this particular shape. The English regularly contributed Peter's pence; and this was held to suffice. The Pope, however, repeated his action; but when the grantees sent their agents to England they were driven from the kingdom. In the following year an ordinance was drawn up in Parliament which forbade the introduction, reception, and execution of "letters, bulls, processes, reservations, instruments, or any other things prejudicial to the King or to his people,"¹ by which we are not to understand either letters or bulls of any kind, but such only as "might turn to the prejudice of the King or his people, or to the blemish of the rights of his crown."² This ordinance, however, was

¹ "Rot. Parl.," ii. 144.

² *e.g.* The bull of Pope Clement VI. to Edward III. touching the peace with France was admitted as a matter

not enrolled as a statute.¹ But in 1344 the Commons prayed the King that no suits about presentation to benefices should be made "in the Court of Rome or other Christian Court." This was the natural sequel of their previous action; for if the grantees of a Papal provision—*i.e.* the provisors, as the recipients of a benefice were called—drew their case away from England, the statute against such provisions would have been rendered nugatory.

It will be evident that Edward was securing two things by his action—the retention of money (his great want) in the country, so that by means of taxation it might flow into his exhausted coffers; and the exclusion of French influence, or, indeed, of any but English influence, from the high places of his kingdom. It must be remembered that the Pope was living at Avignon, and the action of his Curia was often deplorable; and, moreover, the Pope was himself a Frenchman.

But, in spite of this, it is quite clear that there was no idea of denying the Divine institution of the Papacy for the government of the Church in matters spiritual. Nor was there any avowed or admitted reflection on the Holy Father himself. Three years later, the previous legislation having proved ineffectual to arrest the appointment of foreigners, the Commons prayed the King to take further steps; and, on being asked what they recommended to be done, they desired that a bill should be introduced and executed to complain to the Holy Father himself, telling him of the loss to the work of the Church through the appointment of aliens, who of course (Hemingford, ii. p. 410, Rolls Series). Also, in 1429, Papal bulls were delivered to the Archbishop in Convocation, and immediately read out by him. They did not touch the King's crown, but had to do with spiritual matters (Wilkins, iii. p. 491).

¹ Stubbs' "Const. Hist.," iii. p. 355.

could do nothing in the way of preaching or hearing confessions; and they asserted that these were "mischiefs and defects" which "the Holy Father, *who is Sovereign Governor of Holy Church on earth*, should look to." So they urge the King to write to the Holy Father, and inform him.¹ Throughout the controversy the Commons assume that it is not the Pope who is to blame, but his advisers and informants. They even profess to be acting in his interests. The King promised to write; but we have no copy of the letter, nor definite account of the result.

It is to be noticed that when they touched on the subject of doctrine and the administration of Sacraments, their expression of belief is clear and emphatic—the Holy Father is "the Sovereign Governor of Holy Church on earth."

At length came the actual Statute of *Provisors* in 1351. England was at the lowest point of depression, through the ravages of the Black Death. Never was she more in need of money. The year 1349 had produced one uniform desolation. Amongst other laws which could only be considered temporary (such as one forbidding labourers to find employment outside their accustomed *habitat*) came this Statute of *Provisors*. The point of the grievance is described as consisting, not in Papal provision simply, but in the actual provisions of *foreigners* to posts from which the King had been wont to take his counsellors for the safety of his realm; so that the appointment of foreigners to the position of prelates and clergy would lead to the "subversion of the State"; whilst absentee provisors, or recipients of benefices, would lead to the "annihilation of the Holy Church of England" (through lack of endowments), and

¹ "Rot. Parl.," ii. 173.

prejudice would be done to the Crown.¹ It is difficult for us not to deplore the policy which led to the continued appointment of aliens at a time of such financial depression in England, whilst it is impossible not to recognise that the Court of Rome had technical rights in the matter. But one thing is quite certain, and that is, that there was no intention in the mind of King or Parliament of trenching upon what they held to be the divinely-given rights of the Holy See. And, indeed, in spite of the bluster which appears in these statutes, the English people were not thoroughly in earnest in the matter. "They were evaded," says Bishop Stubbs, "from the first." They were disregarded by the Pope on the whole, and King, and Parliament, and bishops conspired to evade them. They were not a success in any way. The University of Oxford had eventually to complain that the temporary lull in the appointment of aliens actually led to the degradation of the clergy. At length the Commons echoed the University complaint, and admitted that the net result was a loss of learning and a danger of heresy.² There were, in fact, more Papal provisions after the statute than before.

In 1353 the famous Statute of *Præmunire* was passed, which outlawed all who sued in foreign courts for matters cognisable in the King's courts. This was with special reference to the provision of benefices. It had no reference whatsoever to appeals to Rome on matters of doctrine, nor indeed of discipline. It would be the veriest perversion of history to introduce the question of appeals in general into the subject-matter of these Statutes of *Provisors* and *Præmunire*. It is perpetually recited in the Acts of Parliament and emphasised in the arguments of King and Commons, that their contention

¹ "Rot. Parl.," ii. 233.

² *Ibid.* iv. 81, 6 b.

was confined to matters cognisable in the King's courts. That they sometimes stretched a point in regard to the exact area legitimately covered by such matters is true enough; but that they intended to throw any doubt on the Divine appointment of the See of Peter as the centre of government to the Church in a certain sphere of action, is negatived both by the emphasis laid on the matters about which alone they professed to contend, and by their express assertions as to the truth of Papal Supremacy during the conflict. The Pope was their "Holy Father"; the Church of Rome was "the mother and mistress of all the faithful"; the successor of Peter was the "governor of Holy Church on earth"—these were their definite assertions.¹

There is, however, another point of the last importance. What part did the clergy take in the move? Bishop Creighton says, "About these matters Churchmen were not allowed to have their own way." Is not this admission fatal to his theory of continuity, except so far as it is based on an Erastian conception of the Church? How can continuity, except on the Erastian theory, be discovered in actions from which the influence of Churchmen was excluded? Bishop Creighton speaks (*cf. supra*, p. 130) of "the Church so far as it was the organ of the nation." But the Church exclusive of Churchmen could not be the organ of anything; in becoming the organ of the nation, whilst it shed its bishops and clergy, its action would cease to be that of the Church at all. So that if Bishop Creighton can prove that the Church of England, as now by law established, is continuous with the King and Parliament of the fourteenth century, *minus* the clergy of that time, he will have proved that it is no Church at all.

¹ *Cf.* pp. 134, 139.

He is, however, correct in saying that, in regard to the Statutes of *Provisors* and *Præmunire*, "Churchmen were not allowed to have their own way." To begin with, the whole spirituality of England protested against anything in these statutes which might be turned against "ecclesiastical freedom," in which they included the rights and authority of the Holy See. The difficulty about these Acts lay in their vagueness. If, for instance, the things cognisable in the King's courts were rightly interpreted, Churchmen could have no objection to vote for the Statute of *Præmunire*, which they did later on in 1392. But it was clearly not within the competency of the King and Parliament by themselves to decide on every occasion what was thus cognisable. So with the Statutes of *Provisors*. There were cases in which the Pope had a clear right to provide, and in which Papal provisions were a boon. But so far as such provisions were held to interfere with the safety of the realm, through the Crown losing safe counsellors from the appointment of foreigners, there was something to be said for the statute. As a matter of fact, however, "the assent of the lords spiritual was not given," as Bishop Stubbs admits, to the Statute of *Provisors* in 1351.¹ But in 1427 a formal protest from the Archbishop of Canterbury, "legate of the Apostolic See," and the Archbishop of York, on behalf of themselves and their suffragans, "and the whole clergy of our provinces of Canterbury and York," was read "openly by command of the King in full Parliament, and, at the prayer of the said Archbishops and other prelates there

¹ "Ch. Hist." iii. p. 355. Bishop Stubbs' account of the protest in 1427 is not quite accurate. He says: "The two Archbishops entered a formal protest against it [the statute] as tending to the restriction of Apostolic power," &c. (iii. p. 356). It was more than the two Archbishops; and it was *so far* as it tended to restrict Apostolic power that they protested against it.

present, was enrolled here in the Roll of Parliament of our sire the King.”¹ In their protest they say they do not “intend to consent in any way whatsoever (*quomodo libet consentire*) to any statute now newly issued in the present Parliament, nor to any old one promulgated afresh, so far as statutes of this kind, or any of them, are seen to tend to the restriction of the Apostolic power, or to the subversion, weakening, or derogation of ecclesiastical freedom—but to dissent from the same, protest against and contradict them; and we dissent, protest against, and contradict in these writings as we have always dissented, &c., in past times. And we pray that this our dissent, protest, and contradiction by the clergy of the Parliament may be enrolled for a testimony of the same.”

It is impossible after this to quote these statutes as evidence of a desire on the part of the Church in England to throw off its allegiance to the Apostolic See. The Church distinctly disavowed them so far as they tended in that direction.² And, as we shall see, kings and Parliaments did the same, for in the following century these Statutes of *Provisors* and *Præmunire* became the subject-matter of a quarrel between Archbishop Chichele and Pope Martin V. It is from this quarrel that Bishop Creighton derives his “strongest instance” of the way in which “about these matters Churchmen were not allowed to have their own way.” But his lordship has so mixed up two separate events in Chichele’s life, that the result is an appearance the very opposite of that which is warranted by the facts. I shall therefore

¹ Quoted from the Rolls of Parliament, iii. p. 264.

² Mr. Lane (“Notes on Ch. Hist.,” 1893, p. 229) actually speaks of “the conduct of Edward and his Parliament, with the assent and consent of the prelates and clergy, in this repudiation of an alien jurisdiction”!

give a short account of the two incidents in Chichele's life which Bishop Creighton has confused together. They have never, so far as I am aware, been presented to the English reader with sufficient detail for him to deduce the conclusion which we shall see is properly drawn from them.

In October 1427, Martin V. wrote to Archbishop Chichele, complaining that "reserved" benefices (reserved, that is, for Papal appointment) had been appropriated, and condemning all statutes or "customs" under the shelter of which such appropriation had taken place. He condemned them as contrary to "ecclesiastical liberty."¹ At the same time the Pope wrote also to Henry VI., reminding him that he had solemnly promised and passed his royal word that he would abolish the statutes on this matter. The King had "protested that he in no way intended to detract or derogate from the rights and privileges of the Holy Roman Church and the Apostolic See." And the Pope reminds the King also that he had made an offer which would prevent "any prejudice accruing to yourself or the said kingdom."²

The Pope also wrote to the English Parliament and reminded them that the King had promised that he would act in accordance with the Papal demand as soon as Parliament could be convened, repeating the King's assurance that no invasion of Papal rights and privileges was intended; and he reiterated his own promise that, in case any one should fear temporal loss through the

¹ Wilkins' *Conc.*, iii. p. 471. Wilkins has disregarded the order of time in his collection of documents concerned with this affair. But the dates are given in most of the documents themselves. I find that Bishop Stubbs has adopted the same order as that which has been (independently) observed here.

² *Ibid.* iii. p. 479.

abolition of the statute, he would take care that no harm should happen "either to the kingdom or to any private person."¹ In another letter to the Archbishop the Pope made the same promise, and bade him say this in Parliament. In each letter the Pope laid stress on the royal assurance that nothing derogatory to the rights and privileges of the Holy Roman Church and the Apostolic See was intended.

In December the Pope wrote again more strongly still, and pointed out that, whatever the King might say, he was, however unintentionally, trenching on the prerogatives of the Vicar of Christ by maintaining the obnoxious statute. He also bade the Archbishop go to the House of Commons and move for the abolition of the statute. Chichele accordingly went on January 30, in obedience to the Papal mandate, to the meeting of Parliament, and pressed the withdrawal of the said statute. An account of the scene has been preserved by the indefatigable Wilkins. The entire Episcopate and the whole clergy of England were there by representation. The Archbishops of Canterbury and York, the Bishops of London, St. David's, Ely, Bath and Wells, and Norwich, with the Abbots of Westminster and Reading, stood sponsors for the rest of the clergy; and the Archbishop acted as spokesman. His Grace protested that he intended no prejudice to the English Crown. He gave an exposition of the text, "Render unto Cæsar the things which are Cæsar's," and treated of the whole subject of ecclesiastical and "Cæsarean" jurisdiction, and alleged the authority of Holy Scripture on behalf of the right of "our lord Pope in having 'provisions,' as his holy predecessors the supreme Pontiffs had in the kingdom of England and elsewhere

¹ Wilkins' *Conc.*, iii. p. 480.

through the whole of Christendom, and as the lord Pope himself has now in other kingdoms." He then said that he was speaking in the name of all the clergy of the kingdom not there present, and entreated the members of the Parliament to deliberate carefully on the matter, that the Holy Father might have cause for commending the zeal and devotion of the King and the whole kingdom towards the Apostolic See. He enforced his argument with tears, declaring that he would rather have no patronage at all than bring upon the kingdom of England the effects of the Pope's displeasure. He concluded with emphasising the fact that the Pope had promised to apply all reasonable remedy to the causes and occasions on account of which this statute had been passed.¹ The prelates then retired, leaving certain clerics who had been present to witness the deliberations that were to take place.

Unfortunately we have no account of the deliberations of Parliament after the Bishops had withdrawn.² But the statute was not abolished, and the Pope appears to have thought that Archbishop Chichele had not done all that he might have done. He was accused to his Holiness of being open to the charge of seeking his own advantage through his patronage, and of being generally disloyal to the Holy See.³ Accordingly the Pope decided to suspend him from his legatine commission, upon which the Archbishop lodged his celebrated appeal before a public notary. The whole history

¹ Mr. Ingram's account of this transaction is in several respects inaccurate. He assumes that the Archbishops, and five Bishops, and Abbots spoke only for themselves. ("England and Rome," p. 119.)

² Bishop Creighton's account is made up, as will be seen, of two different incidents.

³ Bishop Stubbs is probably right in suspecting that some hostile influence was at work against the Archbishop—possibly connected with Beaufort.

of this incident is full of instruction. It brings out the tremendous power with which the idea of communion with, and obedience to, the Apostolic See in certain matters had rooted itself in the English mind, and the tenacity with which, on the other hand, our lay people stuck to their possessions, or imagined possessions, in the way of patronage. It must be remembered that at this time the House of Commons was by no means the independent body that it has since become. It was much more under the influence of the nobles and monied class. Accordingly we have the singular spectacle of the Episcopate and clergy on one side, and the wealthy patrons of livings on the other; whilst the King had passed his word that no derogation to Papal authority was meant, and would gladly have seen a compromise effected. But here was a move on the part of the Pope which would entail serious results to the kingdom. The idea of the Archbishop no longer representing the Holy See in his official acts as legate was enough to set the whole kingdom in motion. The whole ecclesiastical machinery would at once be out of gear. Henry therefore simply refused to allow the Archbishop to read the Papal bulls. He sent his messenger to demand them, on the ground that he was bound by his coronation oath to prevent "all and every bull and letter *of this kind*" from being promulgated before he had seen it, and they were delivered up unopened.

Meanwhile Parliament, the Archbishop of York, Bishops, and the University of Oxford set to work to defend the Archbishop of Canterbury from the charge of being disloyal to the Holy Father. Their various defences afford such a unique glimpse of the state of feeling in England as to the relation of all Churchmen to the Holy See, that it will be worth while giving some details.

The Archbishop appealed to a General Council, if

the Pope should do anything "without summoning him or legitimately forewarning him, or if the cognisance of his case and the legal order (*juris ordine*) should be pretermitted."¹ He appealed on the *supposition* that he was to be condemned as having been disloyal to the Apostolic See. He protested in these words: "I have obtained and hold canonically the holy Church of Canterbury with its rights, liberties, and all things pertaining thereto; and having thus obtained it, I have for some time possessed it peacefully, quietly, and without disturbance, as I possess it at this present time; and I have been and I am an obedient Catholic son of the Roman Church and the Apostolic See, and so far as in me lies an assiduous defender and promoter of the rights and liberties of the said Church and See."²

This was before the Papal bulls were presented to him and seized by the King, probably on receipt of information as to their contents. The Archbishop also wrote to the Cardinal who acted as his patron at Rome, saying that he had no opportunity of answering the accusation brought against him, and speaking of the Anglican Church as having been "always most devoted to the Apostolic See."³

But a still more important letter was now sent to Rome, signed by the Archbishop of York, the Bishops of London, Durham, Lincoln, Ely, St. David's, Exeter, Bath, Lichfield, Worcester, Hereford, Carlisle, Rochester, Bangor, and Chichester. It would be difficult to overrate the value of this letter as evidence to the belief of the Church in England in regard to Papal Supremacy being a matter of faith, not of utility merely.

¹ Wilkins, iii. p. 485.

² *Ibid.*

³ This is sometimes represented as an appeal simply from the Pope to a General Council; but it was really an appeal from the Pope acting without legal preliminaries, or in legal form, to the Pope acting with the aid of a Council.

They defend the Archbishop against the accusation of not being a faithful son of Rome. They speak of the faithfulness with which he had performed his duties, and say that "he is so firm in faith and fixed in fidelity, especially to the Roman Church, as that it is known to the world, and ought to be known to the city [Rome], that he is a faithful son of the Roman Church, continually, according to his powers, promoting and procuring the stability of her liberty." They then speak of themselves as "most humble sons of your Holiness and of the Roman Church, begging, on bended knees," that he would give credence to their testimony on behalf of their Archbishop. This was in July. How is it possible to see any continuity between an episcopate which addresses Rome thus, and bishops who hold their position on condition that they sign an article which says that "the Bishop of Rome hath no jurisdiction in this realm"?

A fortnight later the University of Oxford also wrote to the Pope. They say they rejoice to behold the gracious person of Martin "preside as true head in the body of the militant Church"; and they profess that he is "the one supreme Pontiff and Vicar of Christ, and most true successor of Peter." They speak of the various members of the Church being healed by "the influence of one head"; and, after a very beautiful passage, in which the Church is described as the bark of Peter well-nigh overwhelmed by the waves, they salute the present Pope as having been raised "to the summit of Apostolic dignity." They depict themselves as "with bended knees prostrate in all obedience at the feet of your Holiness." They then go on to rebut the accusations which they understand have been brought against the Archbishop, and describe him as "not slothful and negligent in guarding the liberties of the Church [in which by implication they include the right to at least

some *provisions*], but as a faithful son of your Holiness and of the most Holy Roman Church." They address their letter to "Martin, by Divine providence supreme Pontiff of the most Holy Roman and Universal Church," as from "the most devoted sons of your Holiness, the Chancellor and the unanimous body of Masters of your University of Oxford."¹

Is it possible to deny, in the face of these letters from the entire Episcopate of England and the University of Oxford, that the Church of England was at that moment Papal to the core? Is it not plain what answer would have been given by the Episcopate and University to a suggestion that they should sign an article of religion which says that "the Bishop of Rome has no jurisdiction in this realm"? No jurisdiction? Why, the Church of Rome (they must have replied) is our mother and mistress: you touch the apple of our eye when you assail her jurisdiction. Have we not made it plain by the most precise and emphatic assertions that we are not questioning her spiritual jurisdiction as of Divine origin? Have we not shown that it is with us a matter of faith that she is supreme over all Churches? If we think that in some mixed matters, where the rights of earthly property are inseparably connected with certain appointments, we have our rights, and are prepared to maintain them; if we claim to have a right of nominating to certain *benefices*, whilst we leave to the See of Peter the authority to confirm our nominees in their *office*, why are we to be thought rebellious against her whom all through the conflict we have called our mother, styling ourselves obedient children, and placing ourselves before her throne, kissing the feet of its occupant, as we have again and again described ourselves?

¹ Wilkins, iii. pp. 476, 477.

If language means anything, this must have been the answer of the Episcopate of England and the University of Oxford to any such suggestion as that they should declare that the Bishop of Rome has no jurisdiction in this realm. And what is this but saying that there is no ecclesiastical continuity between the present Establishment and the Church of England of that time? Their faith differs, and that on the vital point of where the source of jurisdiction lies by the ordinance of Christ.

But, says Bishop Creighton, "about these matters Churchmen were not allowed to have their own way." And by way of giving "the strongest instance" of this, he adduces certain words which the laity are supposed to have used in answer to Archbishop Chichele's plea to the Commons that they should abolish the Statute of *Provisors*. "The Commons were not moved by his pathetic eloquence. They only sent a petition to the Council representing that the Pope had acted to the prejudice of the Archbishop and of 'our aller mother, the Church of Canterbury.' They had their mother Church at home, and not even its Archbishop should induce them to diminish its independence, which was likewise their own."¹

It will be seen at a glance that the Bishop is mixing up two events. There is nothing in the records of the Session of Parliament to the effect that the Commons said this in answer to Archbishop Chichele's appeal to them to revoke the obnoxious statute. The words quoted by Bishop Creighton do, however, occur in a petition of the Council to the King in reference to the Pope's threatened suspension of Chichele's legatine commission—quite a different matter—and which led to the very declaration of the Episcopate and the Uni-

¹ "The National Church in the Middle Ages," p. 10.

versity of Oxford which have just been considered. And the remainder of the letter is in direct contradiction to Bishop Creighton's version of the matter.

The fact is that the Commons were as much terrified at the idea of Chichele's legation being suspended as were the Bishops and the University. Accordingly they petitioned the King in favour of the Archbishop. Their petition is headed in the Rolls of Parliament, "Pur le reverent Pere en Dieu l'Ercheveque de Canterbirs."¹ They say that the Archbishop has been falsely accused to "oure holy Fader the Pope" as though he had acted against "the Libertees of ye Courte of Rome in this land." Here is a point-blank contradiction of the standpoint of the present Establishment, which is built on the theory that "the Bishop of Rome hath no jurisdiction in this realm." They say that in consequence of these false accusations "our holy Father was moved to make certain process against him, in prejudice of him and oure aller Moder ye Cherche of Canterbury" (the words quoted by Bishop Creighton), which they are all bound to worship and sustain. "Wherefore we beseche youre Heighnesse as humbly as we can, for to have the said oure aller good Fader recommissed." They ask the King for this purpose either to send ambassadors to Rome, or else to write to "oure saide holy Fader ye Pope, to have ye saide Archebisshop and our Moder his Cherche of Canterbury spali recommissed." And they conclude with asking the King to annul any such process as they have mentioned, as proceeding from an "undewe and unskilful suggestion, and ye trouthe not knowen." In other words, they wish the King to induce the Holy Father to restore the legatine commission to Chichele and the See of Canterbury, on the ground that he had been

¹ "Rot. Parl.," iv. 322, 6, Henry VI. 1427 (Old Style).

misinformed, as though the Archbishop had been disloyal to "the liberties of Rome in this land" and to the Holy Father. It is, in fact, the same keynote as that of the letter of the bishops and the University.

The incident therefore affords no support to Bishop Creighton's contention that the Commons were opposing the Archbishop. Nor, again, can any argument be fairly drawn from the words quoted by Bishop Creighton, as though the Commons were asserting independence of Papal jurisdiction generally. If they say they have "their mother Church at home," as the Bishop points out, they also say that they have their Holy Father at Rome. If they wish the King to stop the bulls containing the Papal suspension, they also ask him to have recourse to the Pope, asking him to restore the legateship, so that the Archbishop may still act officially with the authority of the Pope. Even had the Commons taken the line imagined by Bishop Creighton, their voice would have been of no avail in determining the teaching of the Church of England as against that of the Archbishop, Bishops, University, and King. But, in point of fact, they did no such thing.

This, then, is the point to be noticed in connection with this subject, namely, that *the quarrel about provisions must not be taken as evidence of the attitude of the nation towards the ordinary discipline of the Church.* This went on as before, the whole spiritual life of the Church gravitating towards Rome. One of the distinctive features of our present relation towards the See of Peter consists in the way in which we look to Rome for dispensations and for faculties in reserved cases—that is to say, in matters of conduct in which the ordinary diocesan discipline is insufficient. Some offences against the moral law cannot be dealt with by a priest. The bishop, in giving faculties to a priest, "reserves" these

cases. Some offences can only be dealt with by the Holy See itself. In giving faculties to bishops the Holy See "reserves" them to itself. We are one body and our intercommunication with Rome is both necessary and frequent. Many of us hold special faculties straight from Rome lasting for five years. In certain matters we can only get dispensation through our bishop from Rome itself.

It was exactly the same in the Church of England in the fourteenth and fifteenth centuries. And all this intercommunication went on precisely the same in spite of Statutes of *Provisors* and *Præmunire*. This is seen by a letter, of great importance to the subject in hand, addressed to the King by the Convocation of Clergy in 1447. The Archbishop, "and all his brethren the bishops of England," had in 1439 complained that the Statute "*Præmunire facias*" (Richard II., sixteenth year) was obscure, and was being misapplied by the lawyers. They set forth that it only applied to suits carried to the Court of Rome and elsewhere outside the kingdom of England, against "the King, his crown and regalia, and not to courts within the kingdom."¹ Bishop Stubbs says: "It is fair to say that these clerical remonstrances were called forth rather by the chicanery of the lawyers than by any affection for Papal jurisdiction; the lawyers now and then chose to treat the ordinary ecclesiastical jurisdiction as foreign, and so to bring all the courts Christian under the operation of the Statute of *Præmunire*."²

It would be fairer still, and in closer relation to the facts, to say that it was from the chicanery of the lawyers, and belief in Papal jurisdiction, that they were led to remonstrate. This is clear from the end of their complaint in 1447, to which Bishop Stubbs refers, which shows that

¹ Wilkins' *Conc.*, iii. p. 533.

² "Constit. Hist.," vol. iii. ch. xix. § 393, note 2.

the lawyers not merely extended the statute to courts within the realm, but to subject-matters with which it had no concern. For the complaint of "the Archbishops of Canterbury and York, the bishops and other prelates, and al the clergie of your reame of Englande," was that certain evil-minded persons misinterpret the words of the statute, "the which words, by their wilful interpretation, they pretend to extend to those that purchase licence for non-residence of the Pope, be it to go school or for any other reasonable intent, or that get any quinquennial or other confessionall [a technical term for faculties in cases in which absolution was reserved to the Pope] or any other like dispensation of the Pope, pretending it an exemption from the ordinary, whereas no law written calleth it so."¹ In other words, the Statutes of *Provisors* and *Præmunire* were not meant to touch the ordinary discipline of the Church, which included dispensations from the Pope and faculties for reserved cases. The Papal jurisdiction in these essential matters was untouched, and meant to be untouched, by any such statutes. This was the judgment of the entire Episcopate and clergy of the Church of England; and this is exactly the contention of this chapter.

The complaint reveals exactly the same system of Church government as is in vogue at this moment amongst Catholics (*i.e.* Roman Catholics) in England, and also shows that the Episcopate of England at that time held the same doctrine as to jurisdiction as has been lately expounded by our Holy Father, Leo XIII. The clergy of that time never consented to any statute so far as it interfered with the ordinary jurisdiction of the See of Peter over the rest of the Church.

¹ Wilkins, iii. p. 556.

CHAPTER VIII

THE RELATION OF THE POPE TO ECCLESIASTICAL BENEFICES

WE have seen that, in 1428, Archbishop Chichele, speaking for the entire clergy of England, maintained in Parliament the *right* of the Pope to "provide" for benefices in England. This was undoubtedly the teaching not only of the Church of England, but of the Church throughout the world. But as the matter of "provisions" (or of filling up benefices) is one that figures so largely in the "continuity" controversy at the present time, it will be well to give a *précis* of the Canon Law on the whole subject of the relation of the Holy See to ecclesiastical benefices.¹

It must be borne in mind that "benefices," in the sense in which we now use the word, did not exist before the eleventh century.² In early times the clergy were dependent on the funds immediately supplied by the bishop, or on a share of common funds, or the use of land which reverted to the common funds. There were no benefices that could be "vacant" in the modern sense of the term. When Parliament spoke of the Church of England having been founded in the estate of prelacy by the kings of England, the allusion (if it is to

¹ Cf. Bouix, *Tractatus de Principiis Juris Canonici*, Pars ii. sec. iii. cap. 2.

² Thomassinus, *De Beneficiis*, pt. i. lib. ii. The second volume of the 1728 edition contains the material from which Bouix' *précis* is mainly taken. Fleury notices that the word "prebend" occurs first in the Council of Melphis, A.D. 1087.

be squared with history) is to the endowments conferred from the time of the Conquest onwards.¹ A new form of property thus came into being, and the exact relation of the benefactor to the benefice, or the patron to the living, was destined to become at times a subject of dispute.

All were agreed that when goods or lands, or endowments of any kind, became ecclesiastical, they passed at least to some extent out of the power of the donor. He was no longer their owner. He might be the advocate or protector of the property; but the property belonged to God, or, as some would put it, to the Church in general. The Pope himself was not held to be owner or possessor of such ecclesiastical goods.

But though not the owner, he was in strict and ultimate right the administrator of all ecclesiastical property. No one disputed this in the case of injustice or harm being done to it. Nor was it a matter of dispute after the Council of Lyons in 1273, that the Pope was the authority to which the *alienation* of ecclesiastical property must be submitted. But further, just before the twenty-second session of the Council of Constance (1416), Peter d'Ailly (an Archbishop much appealed to in general by Gallicans) published a much-applauded treatise, in which he maintained that "the Pope could rightly reserve to himself and the Apostolic See the appointments (*ordinationes*) to the greater and elective dignities, and the bestowal of other benefices." This he grounded (1) on the title which the Pope possessed to the administration of the Universal Church, (2) on the character of the material thus subject to him, and (3) on the great antiquity of this right.² The Council of Basle itself did not venture

¹ The word "benefice" is only once applied to a church in the Book of Domesday.

² This treatise will be found in Gerson, "Opp.," t. ii. p. 925 *sqq.* Cf. Hefele on the Councils, 45. § 770 (1414-1418).

to deny or hinder this same right.¹ And just before the events connected with Archbishop Chichele and Martin V. which have been described above, the University of Paris had applied to that Pope for some benefices or "provisions" to be "reserved" for some of its members. Indeed, although not a matter of faith, it was yet a matter of unanimous consent amongst the doctors of the Church, that all the ecclesiastical benefices were subject to the Pope as supreme governor.²

It was not a principle due to the forged decretals. To go no further back than Gregory the Great, whose action has a special interest for us in England, the principle was in full operation then, that is, two centuries before the dissemination of those spurious documents. Although, as has been said, there were no benefices at that time, in the modern sense of the term, which could be "reserved," Gregory conferred the position of abbot on a nominee of his own, without consulting the Bishop of Messina, in whose diocese the abbacy was situated, but merely sending him word.³

¹ Sess. 31 (*decret. de collat. benef.*) at Ferrara. Cf. Hefele, 48. § 807.

² This was certainly the teaching of the Church in England in the fourteenth century. Cf. Joh. de Athon. (John of Ayton, the celebrated English lawyer and Canon of Lincoln), p. 76, gl. ad v. *summorum pontificum*: "tenetur, dominium ecclesiarum tam per reservationem quam per collationem ad papam pertinere." Cf. "Eng. Histor. Rev.," July 1896, p. 454. When the Council of Constance "suspended" John XXIII. from the exercise of his office, a deputy of the University of Paris protested against the Papal power of presentation to benefices being temporarily devolved on the episcopate, on the ground that bishops did not usually promote as learned men as the Pope did. Cf. Jungmann's "Diss. Hist.," vi. 34. 11. The Council held that the Pope's right did not lapse to the Bishop, as it was a case of (what they considered) suspension, and not a definitive sentence against him. Cf. Hefele, § 753.

³ Greg., Ep., lib. i. 38.

He acted in a similar way in regard to a priest under Bishop Importunus,¹ and again in regard to a deacon in the diocese of Syracuse.² And, again, he arranged that certain bishops should support with their funds other bishops who had been exiled from their sees;³ and he "reserved" the bishoprics of Dalmatia.⁴ Bede tells us how Pope Vitalian bade our Archbishop Theodore confer an abbacy on a certain Hadrian Africanus.⁵

But the application of the principle to benefices such as arose in the eleventh century, naturally led occasionally to complications. Nowhere, however, do we discover any denial of the right of the Pope to the supreme care of such benefices. "The things of the Church," says St. Thomas, "belong to the Pope as their principal dispenser, but they do not belong to him as their lord (*dominus*) and possessor."⁶ An instance of the general recognition of this truth is to be seen in the issue of the quarrel between Edward I. and Archbishop Winchelsey.

Edward was in need of money, and amongst other unjust expedients for raising it, which disfigured his rule, he resorted to that of taxing the clergy of his own mere will. But just before this the Pope (Boniface VIII.) had issued a solemn decree on this head in defence of the clergy throughout the world. It was occasioned by the representations made by French prelates as to the arbitrary taxation to which the Church was exposed by Philip the Fair in order to carry on his wars. The same was unfortunately true of Edward I. The Pope accordingly forbade the taxation of the clergy without his consent, and the clergy were forbidden to submit to such diversion of Church property under pain of

¹ Greg., Ep., lib. ii. 10.

³ *Vita Greg.*, l. iii. c. 15.

⁶ "Hist.," l. iv. c. 1.

² *Ibid.* iii. 14.

⁴ Ep., iii. 15.

⁶ 2a, 2a, 9. 100. 1-7.

deposition. It was not a simple refusal to allow the clergy to pay subsidies to the King, but they were forbidden to submit to his commands on the subject *without the express permission of the Pope*.¹ The decree was based on the third and fourth Lateran Councils, and the second Council of Lyons (1274).²

In consequence of this bull (*clericis Laicos*), Archbishop Winchelsey and the clergy refused to give the King the aid he sought. The Archbishop, after consultation with the clergy,³ told the King's messengers that "we have two masters under God, a spiritual and temporal; our spiritual lord is the Pope, and our temporal lord is the King; and although we owe obedience to each, we owe greater to the spiritual than to the temporal." The clergy accordingly promised to send nuncios to the Pope at their own expense, for leave to aid the King with a subsidy, and so to avoid, both for the King and themselves, the penalty of excommunication. This they did.⁴ But the King was furious: at once he outlawed the Archbishop and the whole Anglican clergy. A few of the northern bishops managed to get money into the King's hands without directly giving it, and so sought to avoid the royal displeasure and the Papal excommunication.⁵

¹ Many current histories omit this important condition.

² The bull was eventually explained by the Pope to mean less than the Kings of France and England had imagined. It did not forbid exceptional action in case of necessity. The principle, however, was not withdrawn.

³ Cf. *Chronicon Walteri de Heminburgh*, vol. ii. p. 116. (Rolls Series.) Walter de Hemingburgh (or Hemingford) is the best authority on this whole matter; besides being almost a contemporary, he is admittedly accurate. (Cf. Preface by Mr. Hamilton in the Rolls Edition. See also Knyghton's account of the affair.)

⁴ Their letter is to be found in Wilkins' *Concilia*, ii. p. 232.

⁵ Hemingburgh, ii. p. 118.

But Winchelsey stood firm. His goods were seized, his servants left him, and he had to take refuge in a priest's house, "not having throughout his Archiepiscopate where to lay his head," but wandering as though he were a public beggar, protesting meanwhile that those who conceded anything in the way of supply to the King without the leave of the Pope were excommunicated. Some abbots and priors, when their goods were seized, approached the Court and compromised. But it was a sad time for the clergy in general. Being outlawed, men dealt with them as they pleased. Clerics riding on horseback would have their horses taken from them without means of redress. At length, on August 1, 1297,¹ when the King was preparing to start for the war in Flanders, an enormous assembly gathered in London, and the King was entreated to lay aside his anger before leaving, and to be "reconciled to his spiritual father the Archbishop of Canterbury and his magnates, and so to find himself in the bosom of mother Church."²

It was not the first time that Edward had acted first on a bad and then on a good impulse. He sent for Winchelsey, and not merely laid aside his anger, but received the Archbishop into greater confidence than ever, entrusting to his charge, in conjunction with Reginald de Gray, his son Edward and the kingdom in general, in presence of the whole assembly. He gave command that everything should be restored to Winchelsey, even to the last farthing; and shortly after he wrote to the sheriffs to protect and defend the clergy in general from all injury and molestation. It was a tremendous moral victory for the Church.³

¹ This is the date given by Hemingburgh and Walsingham.

² Hemingburgh, ii. p. 122.

³ Hemingburgh, *loc. cit.* Mr. Lane's account of this whole

In this instance the Pope's care over the property of the Church prevented its being diverted from its proper purpose to that of assisting in Edward's unjustifiable wars. But it was in the matter of the bestowal of next vacancies, or the "reservation" of benefices for expectant candidates, that the lay people of England most resented the Papal government. Yet it was against the *abuse* of patronage that they began their opposition, and it is impossible to deny the existence of great abuses. At the time when the Popes were at Avignon, Spaniards as well as English protested against Papal provisions when they saw their benefices bestowed on Frenchmen.

But as the Spaniards did not mean any prejudice to arise against Papal Supremacy itself, so the Church of England, as we have seen, made it quite plain that she admitted the principle of the Papal power to confer benefices throughout the Church. And if at times Parliament, as distinguished from the Church, spoke as though ignoring this right, neither King nor nobles acted upon the supposition that Papal appointments were in themselves contrary to canon law.

The fact is, that the principle that the Apostolic See has the supreme right, whether exercised or not, of conferring benefices, flows directly from any belief in Papal Supremacy such as our forefathers held. The Church, in their eyes, was a society complete in itself, and a distinct kingdom, one throughout the world. And the form of its government was monarchical. This we have seen running through all the declarations of the Episcopate and the Universities. But although the Church's sphere of action is in the spiritual order, it

affair can hardly be called serious history ("Ill. Notes on Church History," vol. i. p. 224). Even that great historian Mr. Green gives an incomplete account of the matter.

touches the temporal, and has a right to possessions in the latter order. She is concerned with the bodies of the faithful, and has rights over the matter of the Sacraments, over material goods justly acquired, and those dedicated to the expenses of Divine worship and the sustentation of her ministry. Being one throughout the world, these material possessions, since they are all under some administration, necessarily come, whether directly or indirectly, under the supreme government of the spiritual kingdom. Consequently, although bishops and others may, in accordance with laws confirmed in councils and by the supreme Pontiff, confer certain benefices, still the power always rests with the Vicar of Christ to suspend such laws in special circumstances and reserve to himself benefices of a certain kind.¹ In a word, all ecclesiastical goods, whilst they pass out of the dominion of man, yet need to be administered and applied to their proper use; and the power of administering the Church belongs to the Roman Pontiff. Even Gerson said that "all benefices are subject to the Pope as to their supreme governor ('tanquam ordinatori supremo')." And it must be remembered that the terms "Vicar of Christ," "Apostolic See," "supreme Pontiff," were of everyday occurrence in England up to the year 1534.

But, further, the beneficent results of patronage being under Papal regulation as a matter of right, however indirectly exercised, are too obvious to have escaped the minds of thinking men. There is no chance of excluding heresy or schism, nature being what it is, unless the

¹ Bouix, *Tractatus de Princ. Jur. Can.*, pt. iv. sec. iii. cap. 2, § 2. John of Ayton, giving the law of the Church in England, as elsewhere, in the fourteenth century, says, "The plenary disposition of Churches, ecclesiastical personages and dignities, and other benefices, is known to belong to the Roman Pontiff" (c. 2 in Sexto, 3. 4).

Papal government extends to this matter of patronage. Kings will necessarily become supreme; and bishops never do acquit themselves well of the charge committed to their care, except when in such connection with the Holy See.

Then, again, since the Church needs servants for her special ministries connected with the Universal Church, she needs benefices at her disposal for their maintenance and remuneration. She needs also learned and well-educated men for her ministry. A St. Paul has his function in the work of the Church. England discovered that the degradation of her clergy was coincident with the lull in Papal appointments, and both the University and the Commons had to complain of this. Moreover, considering the enormous influx of indigent clergy to the Roman Court at Avignon, amounting under Clement VI. to (it is said) 100,000, it is not surprising that attempts to provide for some should be made by unduly exercising a right of presentation. There was no such feeling of separate nationality in ecclesiastical life as now. The Church was all one, however nations might be divided; and the Church in all countries had one mother, the Roman Church; and if she did press hardly on some, their protests and remonstrances were soon laid aside, sometimes in their own interest, and sometimes from the recognition of the hopelessness of any availing resistance against the wishes of their mother in her externally forlorn condition.

So that if we merely place side by side the various statutes concerned with patronage we shall not have before us an accurate presentation of the real mind of the Church in England. We must take into account both the protests of the spirituality and the actual futility of these enactments. We shall find that it is true, as Bishop Creighton says, that "the armoury was stocked

with weapons which Henry VIII. put to a surprising use"; but it must be considered surprising because they were never meant for such a purpose, and as interpreted by him they do not reflect the mind and teaching of the Church in England.

CHAPTER IX

THE FAITH OF THE CHURCH OF ENGLAND WHEN THERE WERE RIVAL CLAIMANTS TO THE PAPACY

THE Bishop of Stepney, speaking of the "modern Papal claim," which he does not seem to understand clearly,¹ says, "This infallibility in faith and morals was equally true, shocking as it sounds—the fault is not mine, it is inherent in the Roman position—this infallibility was equally true of men so vile as . . . that Pope John XXIII., whom the Council of Constance deposed for crimes so abominable that fourteen of the seventy charges could not be read out to the Council."²

I propose to show that the Church of England did distinctly hold that the Holy See was infallible in defining doctrine, even when its occupant was a person such as John XXIII. I waive the point as to whether John XXIII. was really Pope at all (which is a question on which the opinions of the learned differ), and will make the Bishop of Stepney a present of that.³ And I shall not enter into the question whether the Council which professed to suspend John XXIII. was within its rights in making the attempt, supposing him to have been the actual Pope. But I must, in passing, protest against the

¹ *e.g.* He describes it as assuming that the voice of the Pope "overrides all the Councils of the past if they conflict with it"; whereas the Papal hypothesis is that it never can be in conflict with past Œcumenical decisions.

² "Church Historical Society Lectures," 1896, p. 65.

³ Jungmann thinks he was not ("Diss. Hist.," vol. vi., xxxiv. 12).

cavalier way in which the Bishop invents a reason for the fourteen charges not having been read out at the Council. So far as the record goes, the reason was much more likely to be that they could not substantiate them. Certainly one of the gravest of the charges no one now believes to be true, viz., that Balthassar Cossa (afterwards John XXIII.) poisoned his predecessor Alexander V. As Hefele remarks, even more numerous and more serious charges were made against Boniface VIII., and were sworn to by several prelates; but no one, when it came to the point, attempted to substantiate them.¹ Animosity in an ordinary fifteenth-century prelate could do a good deal. It is, however, of importance to note that the charge of heresy was withdrawn on the motion of the Cardinal of St. Mark.²

The point to be established here is that the Bishop of Stepney (and for that matter the Establishment in general to which he belongs) differs *toto cælo* on this point from the Church of England before the so-called Reformation. This latter religious body did distinctly believe and emphatically state, that if John XXIII. were called upon officially to decide a point of doctrine, he would not be permitted by Almighty God to define amiss. Here is a plain issue, in which we place ourselves at the utmost disadvantage possible. We select one of the few Popes who—in the long line which, stretching through fourteen centuries, had produced so many saints, martyrs, doctors, wise and holy rulers—disgraced the See of Peter, and we take the Church of England long after the time when, according to Bishop Creighton, she had discovered the inutility of the Papacy. But we maintain that even so we can show that the faith of the Church of England was in absolute antagonism to that which bears that name

¹ Hefele, *Conc. Gesch.*, § 755.

² *Ibid.* § 753. Cf. Mansi, xxvii. p. 655.

as a matter of legal right. Whilst, therefore, admitting the legal continuity of the present Establishment, we can show, from the enactments of the Church of England in that most depressing time of the Church's history, that the spiritual identity between her and the present Establishment is absolutely destroyed.

We are dealing here with an objection very frequently raised against the unity of the Catholic and Roman Church. The uncertainty and confusion of the end of the fourteenth and the beginning of the fifteenth centuries seem to some to constitute a proof that the Papacy could not have been the Divine provision for the unity of the Church. But, in point of fact, the distress of those times only brought out more clearly the fact that throughout Europe it was felt that there must be a Pope, the only question being which was the true one. That being settled, obedience was due to him from every faithful member of the Christian Church. It was, in short, a question not of principle, but of person. The principle of obedience to the See of Peter was never in question; the only question was, who was its proper occupant. No doubt, occasionally theses were started which, if accepted, would have much impaired the authority of the Holy See; but they were not destined to last, and Europe settled down to a position of general obedience, though with germs of evil deposited within her which were calculated to bear fruit in the future. But these germs were promptly counteracted here in England as soon as they began to make themselves felt, as the following incidents prove.

The two Popes in whose reigns the troubles occurred, or, at any rate, reached their climax, were Alexander V. and John XXIII. And we have clear evidence as to what the Church of England felt as to obedience to Alexander V. when he was chosen to succeed to the Papal throne at

the Council of Pisa. It is a question to this day whether Alexander V. was, after all, the true Pope, but that does not affect the question as to what doctrine the Church of England held as to the Papacy itself.

Alexander V. was elected in 1409; and in that year Henry IV. wrote to the Archbishop of Canterbury, recognising Alexander's election as valid. In so doing, the King speaks of the Church of Rome as "the mother of all Churches" (Wilkins' *Concilia*, iii. p. 321). He calls Alexander "the Vicar of Jesus Christ on earth"; and he says that all his people ought "reverently to accept Alexander as the Roman Pontiff, and the Vicar of Jesus Christ here on earth." His Majesty is not here professing to teach a new doctrine as to the Papal office; he assumes that Alexander having been duly elected, he had succeeded, as a matter of course, to the position of "Vicar of Jesus Christ," since he was the Bishop of Rome, "who is the mother of all Churches." The royal brief from which I have quoted these words, occurs in the mandate of the Archbishop of Canterbury, which he sent to all the bishops, bidding them publish all and each of the things contained in the said brief. Thus Churchmen and laymen were at one in their belief that the Church of Rome is the "mother of all Churches," and that the Bishop of Rome is "the Vicar of Jesus Christ here on earth." And this was after the indescribable confusion which had attended the altercations between Gregory XII. and Peter de Luna (Benedict XIII.). It is difficult to understand how any one could speak as the Bishop of Southwell, as quoted by Mr. Nye, speaks of the relation of the Church of England to Rome, saying, "It is a delusion that the Church of England was ever Roman Catholic, or ever acknowledged as a Church any subjection to the Pope;"¹ or

¹ "Church and her Story," p. 80.

how Mr. Lane, speaking of this period, could think that he has managed "to show what is the simple truth (*sic*), that 'the Bishop of Rome hath no jurisdiction in this realm of England,' and legally *never had*" (the italics are his own);¹ or how the Bishop of Peterborough could say that "the Church in England . . . admitted the Papal jurisdiction on grounds of utility,"² when time after time she emphasised her belief that the Pope was "the Vicar of Christ," as being the Bishop of that See of Rome "which is the mother of all Churches." A mother is not merely a useful person to be discarded at will, but a Divine ordinance. A mother-country is one thing, but a mother-church, not by way of origin only, but of present relationship, is another. And that not merely origin is meant is obvious from the expression "all Churches."

But there is another passage in the life of the Church of England of capital importance on this question, when she distinctly and emphatically defined her position in regard to Rome in regard to her doctrinal authority and disciplinary power. On this occasion she showed that she was not on the road to separation from Rome, or to independence of her jurisdiction and teaching authority, even after all her protests against pecuniary exactions and uncalled-for interference. If the Bishop of Peterborough's theory were based on history, we ought to be able to note the gradual loosening of the tie which had bound her spiritually to her mother. Not one plain indication of such a desire has yet been quoted, until the hour when Cranmer ascended the throne of Canterbury, with the solemn oath of obedience to the Pope as Vicar of Christ on his lips, and the intention in his heart, told not to the Pope, but

¹ "Illustr. Notes on Church Hist.," i. p. 236.

² "National Church in the Middle Ages," p. 11.

to others, to break his oath so soon as he was seated by Papal brief on that throne. For I shall presently show that his immediate predecessor held the same doctrine on the Papacy as I am now going to prove was held by the entire Church of England in the fifteenth century, and at the very period *when there had just been three rival claimants to the Papacy.*

A disappointed priest, John Wiclif, who had been deprived of the wardenship of Canterbury Hall by a new archbishop, whose decision was confirmed at Rome, now turned his powers of invective against the Holy See. It was not long, as it never has been in such cases, before his entire teaching underwent a change, with the result that at length he was brought before a synod in London, and his teaching was dealt with formally by the Province of Canterbury after his death. Twelve Oxford divines were appointed to examine his writings. They discovered in them numerous "pestiferous seeds." Their condemnation followed, the Province of Canterbury issuing a decree which condemned the writings of Wiclif, with this important salvo, viz., that they condemned them "always in all things, saving the authority of your most Holy See, to which the declaration and final settlement (*terminatio*) of conclusions of this kind is known to belong." These words were addressed to Pope John XXIII. How, I repeat, can a bishop of the Establishment in England venture on the assertion that "it is a delusion that the Church of England was ever Roman Catholic, or ever acknowledged as a Church any subjection to the Pope," as Mr. Nye records the Bishop of Southwell to have said? or how can the Bishop of Peterborough exclude Papal Supremacy from the essentials of the Church of England's belief before the Reformation, as he does on p. 11 of his "National Church in the Middle Ages"?

How can the two Churches, so to call them, be the same? Is there not an essential difference between a Church that professes to believe that matters of faith can only be finally settled by the declaration of the See of Peter, and a Church which holds that she is legitimately independent of Rome in matters of faith?

But this is not all. The words of the Archbishop of Canterbury and his suffragans in this year of grace, 1412, are too important for us to be content with one expression, however salient and decisive. They open their letter to the Pope thus:¹ "To the most Holy Father in Christ and Lord, John,² by Divine Providence Supreme Pontiff of the Sacrosanct Roman and Universal Church; Thomas, by the grace of God and of the Apostolic See, Minister [Archbishop] of the Church of Canterbury, and the rest, suffragans of the Province of Canterbury, after the recommendation of themselves and of the Anglican Church, most humble kisses of the blessed feet." This was the customary formula of submissive subjection to the supreme Pontiff.

They proceed: ". . . the only-begotten Son of God—proceeding from the Father by the illustration of the Paraclete, who proceeds equally from Both—erected the joy of our stability on the rock of a new-born faith [Peter's], whilst He committed to the prince of Apostles, key-bearer of eternal life, the rights of earthly and heavenly rule.³ For in his

¹ Wilkins, iii. p. 350.

² *i.e.* John XXIII.

³ The words used by Innocent IV. in the deposition of Frederic II. at the Council of Lyons. The words may refer to the binding in heaven what is bound on earth, or to the accessory rights on earth which *under certain circumstances* naturally followed from the spiritual power of the Apostle in his See. The latter is the more probable interpretation of the two, owing to their frequent use in this sense at this time.

person, after pouring forth prayers to the Father [Luke xxii. 32], He most firmly established the Church herself, so that the building of the eternal temple might, by a wonderful dignity conferred by the grace of God, hold together with firm solidity, and so, too, that human rashness should not assault her, lest the gates of hell prevail against her, but that she might ever persist without failing in the faith she had received. For Christ Himself, the Lord and Saviour, ordained that the sacrament of this dignity and faith should so belong to all the Apostles that He placed it principally only in the most blessed Peter, the head of the Apostles, and in his successors, from whose See, as from the head, He would diffuse His gifts as into the whole body; and that he who should violate the most sacred firmness of this rock, a firmness constructed by God Himself as builder, might understand that he is an alien to the mysteries [*i.e.* alien to the faith, and cut off from the Sacraments]. For this is that most blessed See, which is proved never to have erred, by the grace of Almighty God, from the path of Apostolical tradition, nor has it ever been depraved and succumbed to heretical novelties. But she it is to whom, as being the lord and mistress of other Churches, the surpassing authority of the holy fathers ordained that the greater causes of the Church, especially those touching articles of the faith, should be referred for their final settlement and declaration."

There can surely be no question where continuity with this teaching is to be found at the present day. It is the Vatican Council by anticipation. Here is the supreme jurisdiction of the Holy See and her infallibility in teaching referred to our Lord's words to Peter, both those in Matt. xvi. and Luke xxii.

They then speak of the false prophets who have risen up against the authority and teaching of the Church,

and, after mentioning Wiclif by name, they describe themselves as those "who have been placed in this Church by the grace of God and of the Apostolic See, and have been called to a share in your most holy and supreme care."

They say they have gathered out of John's writings, by the help of twelve men of the University of Oxford, poisonous seeds, and they have condemned them by a decree of the Province.

Now the doctrine which they have just laid down as to the Holy See would naturally lead to their not resting content with the authority of a Provincial Council; and accordingly, as a matter of fact, they proceed to say that they passed sentence, "saving always in all things the authority of your most Holy See, to which the declaration and final settlement [or termination] of conclusions of this kind is known to belong."

They ask the Pope, accordingly, to investigate the opinions thus deduced from Wicliffe's writings, "and to condemn and reprobate them with Apostolic authority, for the good of the Holy Church of God, and specially for the preservation of the Anglican Church, and the more ample fortification of the Catholic faith."

Our conclusion then must be this. When the Church of England had to drive from her bosom a nascent heresy, she put forth her own strength and condemned it by a provincial decree. But since she believed it to be part of the Christian revelation that our Lord has ordained a supreme judge under Himself to terminate such matters, and that that judge is the occupant of a See that never has and never can fail in the deliverance of the faith, owing to our Lord's promise to Peter and to His prayer that Peter's faith should not fail, they introduce a saving clause which disclaims finality in their own decision, but attributes such finality to the See to which they now send

the decree of the Province, and which was now occupied by John XXIII. One does not see how it would be possible to say in plainer words that Papal Supremacy is essential to the Church—a matter of faith ; or how they could more plainly censure by anticipation any idea of a national Church independent of the See of Peter.

But we must go a step further. In the following year a prominent Wicliffite came under the censure of Convocation. Fortunately the Acts of Convocation in this case have been preserved by the learned Anglican Canon Wilkins.¹ Sir John Oldcastle was arraigned for heresy. And what was the formal character of heresy according to the English Convocation? It was that “he has thought and thinks, and dogmatises and teaches concerning the Sacrament of the Altar and of Penance, &c., *otherwise than* the Roman and Universal Church teaches and affirms.”

This was their rule of faith. And the words do not admit of being interpreted as though the “Roman and Universal Church” could be sundered ; for in the previous year they had addressed the Pope as “the Supreme Pontiff of the Roman and Universal Church.”

In pressing this teaching on Sir John, they say : “The faith and determination of Holy Church touching the blissful Sacrament of the Altar is this: that after the sacramental words have been said by a priest in his Mass, the material bread that was before, is turned into Christ's Body ; and the material wine that was before, is turned into Christ's very Blood ; and so their leweth [= remaineth, is left] in the Altar no material bread, ne [nor] material wyn, the which were there before the saying of the sacramental words.” Then after declaring the necessity of confession to a priest, they give the teaching of the Church of

¹ *Conc.*, iii. p. 353 *seq.*

England as to Papal Supremacy, thus: "Christ ordained Saint Peter the Apostle to be His Vicar here on earth, whose See is the Church of Rome, ordaining and granting [that] the same power that He gave to Peter should succeed to all Peter's successors, the which we now call Popes of Rome, by whose power in Churches particular special, be ordained prelates [they are speaking of the power of jurisdiction], archbishops, bishops, curates, and other degrees, to whom Christian men ought to obey after the laws of the Church of Rome." (Wilkins, iii. p. 355.)

Sir John's replies were considered heretical, and so they tell the Bishop of London (one of their number) what his duty in the matter is, after they had again and again with tears exhorted the said Sir John "that he would return to the unity of the Church, that he would believe and hold what the Roman Church believes and holds."¹ Sir John, remaining obdurate, was excommunicated October 1413.

Now it is open to any one to say that the Church of England was wrong in her faith—that she misinterpreted Holy Scripture; but it is surely not open to any one, from a logical point of view, to say that any body of men is in continuity of faith and discipline—that is to say, in "continuity in all essentials"—with the Church of England before the Reformation, if it does not believe in Papal Supremacy as a Divine institution. It is not open to any one to argue that the Church in England had "discovered" (to use Bishop Creighton's words) "that that jurisdiction was dangerous to Church and nation alike" ("National Church in the Middle Ages," p. 11).

Such, then, was the emphatic declaration of the Church of England as to her belief in Papal Supremacy at the

¹ Wilkins, iii. p. 356.

very time when there had just been three rival claimants to the Papacy—a period of indescribable confusion, but one that could not shake the Church of England in her rooted conviction that Jesus Christ had moulded His Church in the form of a spiritual monarchy to last for all time. This was in the fifteenth century, and the Church of England had not even then made the discovery that Papal jurisdiction was dangerous to the Church and nation alike.

She had not even discovered it in the beginning of the reign of Henry VIII. For that monarch was not proclaiming his own faith merely, but that of the Church of England, when he wrote his book on the “Seven Sacraments,” which gained for him the title of “Defender of the Faith,” and which upheld the supremacy of the Pope as of Divine institution.

CHAPTER X

THE TEACHING OF CRANMER'S PREDECESSOR IN THE SEE OF CANTERBURY IN 1532

WE have now all but reached the term of our inquiries. We have come close up to the time when a new religion took the place of that which had been the religion of England for nearly one thousand years, when the rule of faith was changed, and the authority which our Lord appointed over His Church ceased to be recognised as such even in theory. We have spoken of Henry VIII. Bishop Creighton says, in allusion to the Statute of *Præmunire*, that "the royal armoury was stocked with weapons which Henry VIII. used with surprising effect."¹ Most true. Henry, acting in concert with the most unscrupulous minister that has ever guided the destinies of England—Thomas Cromwell—initiated what has been called a "royal reign of terror." He had an end to accomplish—a divorce; he had a position unparalleled for the purpose; and he had a weapon at hand—the Statute of *Præmunire*. "These statutes," says a Protestant writer, speaking of the Statutes of *Provisors* and *Præmunire*, "made a profound impression on the mind of the English people. The bishops and prelates . . . walked in fear of them. For more than a hundred and fifty years the ordinary Englishman believed that a person convicted of a *præmunire* might be slain with impunity.

¹ "National Church in the Middle Ages," p. 8.

This was in consequence of the words in them respecting outlawry. This belief was so general that it became necessary to extirpate it by legislative declaration in the reign of Elizabeth."¹

The fear of the King's proceedings under this Statute brought about the death of Cardinal Wolsey. Both King and Cardinal had, like many of their predecessors, brought themselves under its operation. And the King decided to put it in force against the Cardinal; but his Eminence died before his trial came on. The King brought Convocation to its knees through a similar threat; and working upon their fears, he succeeded in wringing from them an expression of his relation to the Church, which he himself meant, if necessary, to use in one sense, but which they meant to be understood in another. England was, unfortunately, supplied with a set of prelates who were not made of the stuff for martyrs. Neither were they men of theological attainments, with the exception of Bishop Fisher. Consequently they did not perceive the mischief they were doing by their system of compromise—a most disastrous course, but natural, considering that they lived in perpetual danger of prison or death if they incurred the wrath of an imperious master bent on the satisfaction of his passions, and assisted by the unscrupulous craft of Thomas Cromwell.

They did, however, save the situation so far as words could do so, in 1531. They were induced to call the King the "protector" and "supreme head" of the Church of England "so far as the law of Christ permits."² But they showed clearly by their amendments

¹ "England and Rome," by T. D. Ingram, LL.D., barrister-at-law (1892), p. 113. Pope Martin V. drew attention to the almost barbarous savagery of the terms of the Statute of *Præmunire*.

² "Protector" was quite an admissible term, and was doubtless understood to colour the following term. See an

of the original draft of the declaration in which this parenthesis occurred, that they did not themselves understand it to include any spiritual jurisdiction. It differed *toto cælo* from the Act of 1534. But a diplomatic consent to ambiguous expressions was not what the situation required. Their leader, Archbishop Warham, was at length, although too late, brought to see this. For we have the satisfaction of knowing that before his death he was prepared to lay down his life for the truth which Henry by his action was now clearly bent on denying, viz., the necessary dependence of the Universal Church, and therefore of the Church in England, on the See of Peter.

There is a State Paper of the reign of Henry VIII., which was published *in extenso* for the first time two years since by Canon Moyes with the help of Dom. Gasquet. It is to be found in the *Dublin Review* of April 1894, accompanied by an article well worth perusal, from the pen of the learned Canon. It is to be found in the "State Papers, Henry VIII., v. 245," and has been summarised by Professor Gairdner, who has fixed its date indisputably from internal evidence. It is a defence which Archbishop Warham, the immediate predecessor of Cranmer, drew up for himself in the last few months of his life. He had been threatened with a *præmunire*, and he appears to have decided to resist, even to death, the charge under which he was to be tried. His defence is of quite exceptional importance in relation to the thesis of this book. It shows that up to the very time when Henry was prepared to break with Rome, unless he could induce Rome to allow of his divorce,

"Introduction to Mrs. Hope's First Divorce of Henry VIII." (Kegan Paul & Co., 1894), by Dom. Gasquet. The subject is clearly and concisely dealt with in this admirable introduction. The volume is one that should be widely read.

the general conviction of the Church of England was the same as it had been all along, the same as it has been shown to be in the foregoing pages, concerning the necessity of accepting the jurisdiction of Rome in matters spiritual.

Warham had consecrated a bishop, named Standish, under circumstances quite usual, which were now, for want of a better charge, to be adduced against him. He says: "It is thought I should not consecrate any bishop till after he had exhibited his bulls to the King's grace, and had done his homage and made his oath of fidelity to the same, and had sued out, as agreed with his Grace, for the temporalities; and also that I should not give to a bishop his spiritualities until he were agreed with the King's Highness for the temporalities of his bishopric" (paragraph 2).

The Archbishop's defence is as follows. And it must be remembered that he speaks not as developing any new theory, but as rebutting a charge which he conceives must be allowed to involve an innovation on the practice and teaching of the Church of England.

He pleads that there is no provision made for examining a bishop-elect as to whether he has complied with these supposed requisites, and that therefore an archbishop cannot be supposed to be bound to know whether he has. It never was done. It would be an intolerable expense to have to send special messengers to the King to find out the facts, wherever his Highness might chance to be in the kingdom. The registers show that such a course has never been adopted. The negligence, for such it would be in the past, has never been noticed. Kings have never dreamt of investigating such a matter in regard to bishops. And then in an important paragraph (No. 10) he touches upon doctrine. He says: "Almighty God has ordained two powers—one spiritual and the

other temporal. Wherefore, as the King's grace hath the temporal power to grant and to deliver out of his custody the temporalities of bishoprics at his pleasure ;¹ so in like wise the Archbishop of Canterbury for the time being, having the spiritual jurisdiction of *all* bishoprics within his Province of Canterbury while they be void, in the right of his Church may at his liberty grant *to him that is lawfully promoted at Rome in the Pope's Consistory* a bishop of any see, being void, the spiritualities of the same bishoprick."

The words that I have placed in italics show the continuity of Archbishop Warham's teaching with all that has been shown to be the teaching of the Church of England for upwards of 900 years before his time. And it must be remembered that the Archbishop is giving what he conceives will be admitted as true by all faithful members of the Church of England. We see also what he meant by allowing the words that the King was supreme head of the Church "so far as the law of Christ permits," to be passed in the Convocation of 1532—what a vital difference between that Act of Convocation and the succeeding enactment of 1534.

In the next paragraph (No. 11) the Archbishop proceeds to say: "And if the Archbishop of Canterbury should not give the spiritualities to him so promoted as bishop [*i.e.* in the Papal Consistory], till the King's grace

¹ During the vacancy of a bishopric the temporalities were in the King's custody, and the new bishop in each case had to sue them out of the King's hand. The spiritualities were in the hands of the Archbishop. St. Thomas à Becket, in the hour of his death, was asked by one of his murderers as to his allegiance to the King, and refused to own that the King was his master in spirituals. "Spirituals" included matters which belonged to this world, though they involved a great deal more. Wolsey, in his fright, was prepared to betray the spiritualities of a diocese into the hands of the King. Warham refused.

had granted and delivered to him his temporalities, then the spiritual power of the Archbishops would hang and depend on the temporal power of the Prince, and so would be of little or none effect, which is against all law. And so there would not be two distinct powers, according to Almighty God's ordinance [*i.e.* as God ordained that there should be]." Further (paragraph 12), an injury would be done to the bishop if, "after that an elect is provided a bishop at Rome in the Consistory, and after the presenting of the Pope's bulls to him," the Archbishop still clung to the "exercise of the spiritualities."

It will be noticed that the Archbishop's interpretation of the Statute of *Provisors* is exactly that given above. It was not meant to forbid all provisions nor all bulls, but only such as touched upon the rights of the Crown. In this case the Archbishop argues (paragraph 15): no harm is done to the King, for the exercise of the Bishop's spiritualities does not affect the region of the King's rule. The bishop is not a "lord of the Parliament" until he has done homage.

In the next paragraph (No. 16) the Archbishop draws what I may call the dividing line between what has been called the Church of England since 1534 (with the exception of Mary's reign) and the Church of England from 597 up to that date. He says, "And as touching him that is consecrated, he is made no bishop by his consecration, as peradventure some men think [the confusion between orders and jurisdiction so characteristic of present Anglican teaching seems to have been already dawning], *but he is made and provided a bishop at Rome in the Pope's Consistory*, and hath before his consecration all things appertaining to spiritual jurisdiction as a bishop, *and by his consecration he hath no jurisdiction given to him*, but 'only such things as be appertaining to his order.'"

And so further on (paragraph 19) he argues that it "were according¹ that a spiritual man should first give his oath of obedience *to the spiritual head, which is the Pope*, which is not used to be done but at the time of the bishop's consecration, and, that done, then to do his temporal duty and fidelity to his temporal Prince, and not to prefer the temporal Prince to the Pope in a spiritual matter."

It will be seen that Bishop Creighton's theory, that the Papacy was amongst the non-essentials of the Church of England's teaching, and that by this time she had discovered not only its inutility, but its dangerous and mischievous character, was not held by the Archbishop of Canterbury in 1532. Indeed, so patent did the *opposite* seem to him, that he could plead it with the King as a universally admitted truth.

His Grace proceeds to say that, in consecrating the Bishop of St. Asaph, he was following the Pope's mandate "in virtue of mine obedience, of which these be the words, 'I will observe such mandates with all my power, and will cause them to be observed by others.' *I was but the Pope's commissary, and the consecrating of the said Bishop is principally the Pope's deed*, which commanded it to be done; wherefore, I think it not reasonable that I should fall into a *præmunire* for doing of that thing, whereby (if I had done to the contrary) I should have fallen into perjury."

The next sentence proves that the King had not sufficiently shown his hand in 1532 to make it useless to appeal to the Catholic faith as it had been taught in England from time immemorial. In fact, the King did

¹ *i.e.* Fit, suitable, ecclesiastically right. It is the exact equivalent of the word *ἀκολουθῶς*, which the Council of Ephesus used of the speech of the legate in which he described the successor of Peter as the divinely appointed ruler of the Universal Church (Mansi, iv. 1229).

not show his hand until the Pope had clearly shown his determination rather to lose a province than tamper with the marriage law, *i.e.* in 1534. At this time, *i.e.* 1532, Warham could assume the old faith as to the Pope's Supremacy to be a real argument. He was face to face with the King's unjust attempt to bring him in guilty under the Statute of *Præmunire*; he was in his old age; he had governed the Church in England for many years; he had led the clergy in their admission of the title "head of the Church" as used of Henry, though with a very different meaning from that which it acquired in 1534;¹ he had protested, with Tunstal, that by the admission of that title, "so far as the law of Christ permits," he meant nothing "to the derogation of the Roman Pontiff, or to the injury or prejudice of the Apostolic See." We have already seen what this meant on Warham's lips. What follows sums it up in a single phrase, which I place in italics.

For the Archbishop proceeds (paragraph 20) to say: "And it seemeth not to be a reasonable ordinance by the which a man doing according to his oath of obedience to the Pope, *the head of all Christian men*, should fall into any penalty. . . . And where [whereas] in this case, not doing the Pope's commandment I should fall into perjury, and doing his commandment I should fall into a *præmunire*, as is supposed, if a man could not choose but fall into one of the said dangers of perjury or *præmunire*, *melius est incidere in manus hominum quam derelinquere legem Dei.*"²

¹ This needs to be emphatically insisted upon in dealing with our Anglican friends. Since the publication of the document which is here produced, it is capable of demonstration that the Act of 1531 differed vitally from that of 1534 in regard to royal supremacy.

² "It is better to fall into the hands of men than to desert the law of God."

Then, after summing up the foregoing reasons, he turns to history. He appeals to the example of St. Thomas à Becket (paragraph 22). Henry VIII. is doing exactly what Henry II. did and repented of and disavowed. That article of the Constitution of Clarendon was, he says, condemned at Rome, and the King did penance for enforcing it, and was bidden to give up "the Statutes of Clarendon and all other evil customs against the liberties of Holy Church." And the King gave them up "as ill and unjust." He then shows that the consecration of the bishop, being a good and spiritual act, "can grow no ill to the Crown whensoever it done," *i.e.* is done. Next he adduces Magna Charta on his side, giving to it exactly the same interpretation as that given above in these pages: *Habeat ecclesia Anglicana libertates illæsas*, "Let the Anglican Church have her liberties inviolate."

The words "Anglican Church" did not convey to the mind of Archbishop Warham, nor to any other prelate for five hundred years, the idea of a Church independent of the See of Peter; and the liberties of the Church did not involve the misery, as he would have deemed it, of detachment from the ties that bound them to him whom the Archbishop has just called "the head of all Christian men." He proceeds to say that the breakers of Magna Charta "were solemnly cursed at Paul's Cross by the most part of the bishops of England for that time being, and the same curse [was] confirmed by Pope Innocent IV. But *ecclesia Anglicana non habet libertates suas illæsas*,¹ when the Church hath not its liberties to consecrate bishops, but at princes' pleasures."

There follows a remarkable passage in which the

¹ "The Anglican Church has not her liberties inviolate."

Archbishop appeals to the misfortunes that befell those that acted against the liberties of the Church (paragraph 26). He says he does not wish to take upon him the judgment of God, and say determinately that the Kings he mentions were punished by the hand of God for making of such Acts. But he points out that Henry II. was deserted at his death, and lay uncovered until a servant pitied the disgrace; that Edward III. died in poverty, and the hatred of his noble subjects; that Richard II. renounced his right to the crown; and Henry IV. was stricken with a loathsome disease. And these were severally the authors and abettors of the Constitutions of Clarendon and of the Statute of *Præmunire*. On the other hand, St. Thomas died for not consenting to or obeying such Acts, "and was and is a holy martyr," so that those who made them (the Statutes of Clarendon and the Statutes of *Provisors* and *Præmunire*) may be thought to have incurred the displeasure of God. He then (paragraph 30) refers to Pope Martin V., "who was a very good and holy Pope," and who "wrote to King Henry IV. concerning the Act of *Præmunire* made against the liberties of the Church. He proposes to produce his words in full in his trial. He deprecates men drawing the sword against him, and points to the end of those men who slew St. Thomas of Canterbury. But if they do draw the sword, "I think it were better for me to suffer the same, than against my conscience to confess this article to be a *præmunire* [*i.e.* to be a just case for the operation of that iniquitous statute], for which [article] St. Thomas died." "I should damn my soul for where St. Thomas saved his soul and is a glorious saint in heaven for denying of this article."

It is consoling to think that this good and learned old man, as all agreed in regarding him, after a certain

weakness in allowing the term "head of the Church" to Henry, with, it is true, a salvo which separated it by an infinite distance from its acceptance in 1534—it is, I say, consoling to think that after all he had in him the spirit of a martyr, and that he had decided to put himself in continuity with the whole past of the Church of England, and die for the supremacy of the Pope if the King pressed the trial. It pleased Almighty God to take him before the trial came on; and, it must be added, it was in the mysterious counsels of the Divine wisdom that a scourge should be allowed to descend on our land in the shape of a Cranmer, to break the continuity between the past and future—or, to speak more accurately, to deprive the Apostolical succession in this land of its legal position, and to substitute a religion which has regarded the Papacy, first, as anti-Christian, and, nowadays, as, at any rate, non-essential to the Church's life.

Our prayer is that God would speedily turn the hearts of the children to their forsaken Father in Christ, the successor of the Prince of the Apostles.

I am sorry to feel called upon to express regret at the cavalier treatment of one of the greatest characters in mediæval history in a recent work by Mrs. Oliphant, called "The Makers of Rome." That accomplished writer says in her Preface, "Nobody will expect in this book, or from me, the results of original research." Is it, then, quite fair to speak of Innocent III. in the way in which Mrs. Oliphant does on p. 277? In the first place, the question of his Infallibility ought not to have been introduced at all, since it does not, according to the Vatican decree, extend to such matters as the choice of Otho for Emperor, which is the occasion of the authoress's remarks. And Innocent's espousal of Otho's cause as against Philip admits of a very plausible defence, to say the least, considering that the Pope, not being gifted with prophecy, could not have anticipated Otho's use of his position; whilst it would have been out of the question to advance Philip, considering his antecedents, to the dignity for which Innocent preferred Otho. It is naturally difficult to get English non-Catholics to estimate justly a character like that of Innocent, considering the way in which the history of King John has been so often dealt with; but both Mr. Green, in his "History of the English People," and the late Professor Brewer, in his Preface to *Giraldus Cambrensis*, p. lxxviii. (Rolls Series), would have taught the distinguished authoress to whom I have referred, that there is another side to the history of that great Pope. And is it not strange in these days to make the fact of the Pope being "merely a man" "the one insurmountable argument against Papal Infallibility"? We say as Christians, "I believe in one God the Father *Almighty*." If the omnipotence of God be a truth, why *can* He not protect a servant of His from error under certain circumstances in his official acts?



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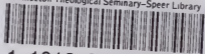


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